

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

---

Appeal from Sumter County

Thomas W. Cooper, Jr., Circuit Court Judge

---

ARTHUR SINGLETON,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

---

A P P E N D I X

---

WANDA H. CARTER  
Deputy Chief Attorney

South Carolina Commission on Indigent  
Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, S. C. 29211-1589

ATTORNEY FOR PETITIONER

HENRY DARGAN MCMASTER  
Attorney General

JOHN W. MCINTOSH  
Chief Deputy Attorney General

SALLEY W. ELLIOTT  
Assistant Deputy Attorney General

PAULA S. MAGARGLE  
Assistant Attorney General

P. O. Box 11549  
Columbia, S. C. 29211

ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA

FORM 5  
RECORDEDCounty of Sumter

2004 APR 15 AM 11:15

IN THE COURT OF COMMON PLEAS  
SOUTH CAROLINACERTIFIED TRUE COPY  
OF ORIGINAL FILEDAnna M. Prescott  
DEPUTY CLERK OF COURTCLERK OF COURT  
SUMTER COUNTY, S.C.Arthur Singleton, #300109

Full name and prison number (if any) of Applicant

2004-CP-43-501

v.

State of South Carolina

APPLICATION FOR  
POST-CONVICTION RELIEFINSTRUCTIONS B READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Evans Coss. Inst.
2. Name and location of Court which imposed sentence Sumter County Court of General Sessions, 141 North Main St., Sumter, S.C. 29150.
3. Name(s) of co-defendant(s) (if any) \_\_\_\_\_
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
  - (a) 2000-GS-43-134 (Assault & Battery with intent to Kill. CS 16-3-620) (Count #1)

- (b) Count #2 Assault & Battery with intent to Kill  
(c) Count #3 (Poss. of Fire Arm during crime of Violence,  
(16-23-490)
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) 9-25-03, Count #1; 7 years  
(b) 9-25-03, Count #2; 12 years  
(c) 9-25-03, 5 years Concurrent
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty \_\_\_\_\_  
(b) after a plea of not guilty ☒ \_\_\_\_\_  
(c) after a plea of nolo contendere \_\_\_\_\_
7. Did you appeal from the judgment of conviction or the imposition of sentence?  
Counsel was instructed to Appeal But didn't.
8. If you answered Ayes@ to (7), list:
- (a) the name of each Court to which you appealed:
- i. \_\_\_\_\_  
ii. \_\_\_\_\_  
iii. \_\_\_\_\_
- (b) the result in each such Court to which you appealed:
- i. \_\_\_\_\_  
ii. \_\_\_\_\_  
iii. \_\_\_\_\_
- (c) the date of each such result:
- i. \_\_\_\_\_  
ii. \_\_\_\_\_  
iii. \_\_\_\_\_
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. \_\_\_\_\_  
ii. \_\_\_\_\_  
iii. \_\_\_\_\_
9. If you answered Ano@ to (7), state your reasons for not so appealing:
- (a) Counsel was instructed to Appeal but didn't.

- (b) \_\_\_\_\_  
 (c) \_\_\_\_\_
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) Ineffective assistance of Counsel.  
 (b) Trial Counsel was ineffective, for denying Applicant his  
 (c) Constitutional rights.
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) See memorandum  
 (b) See memorandum  
 (c) See memorandum
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? \_\_\_\_\_  
 (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? \_\_\_\_\_  
 (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? \_\_\_\_\_  
 (d) any other petitions, motions or applications in this or any other Court? \_\_\_\_\_
13. If you answered Ayes@ to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. \_\_\_\_\_  
 ii. \_\_\_\_\_  
 iii. \_\_\_\_\_  
 iv. \_\_\_\_\_
- (b) the name and location of the Court in which each was filed:
- i. \_\_\_\_\_  
 ii. \_\_\_\_\_  
 iii. \_\_\_\_\_

- iv. \_\_\_\_\_
- (c) the disposition thereof:
  - i. \_\_\_\_\_
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_
  - iv. \_\_\_\_\_
- (d) the date of each such disposition:
  - i. \_\_\_\_\_
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_
  - iv. \_\_\_\_\_
- (e) if known, citations of any written opinions or orders entered pursuant to each such disposition:
  - i. \_\_\_\_\_
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_
  - iv. \_\_\_\_\_

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

(b) the proceedings in which each ground was raised:

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

- (a) \_\_\_\_\_
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_

17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? \_\_\_\_\_
- (b) your trial, if any? yes
- (c) your sentencing? \_\_\_\_\_
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? \_\_\_\_\_
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? \_\_\_\_\_

18. If you answered Ayes@ to one or more parts of (17), list:

- (a) the name and address of each attorney who represented you:

i. Steve McKenzie

160 N. Brooks St.

ii. Manning, S.C. 29202

iii. \_\_\_\_\_

- (b) the proceedings at which each such attorney represented you:

i. At trial, in the Sumter County Court of general sessions,

ii. \_\_\_\_\_

iii. \_\_\_\_\_

19. State clearly the relief you seek in filing this application:

Sentence be vacated with prejudice.

20. Are you now under sentence from any other court that you have not challenged?

No

Revised 3/2003

STATE OF SOUTH CAROLINA )

County of Bennettsville )

VERIFICATION

I, Arthur Singleton

being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Arthur J. Singleton

SWORN to and subscribed before me this 15th  
day of April, 2004.

Charles B. Bond (L.S.)  
Notary Public

My Commission Expires: 08-06-2009



APPLICATION TO PROCEED WITHOUT PAYMENT  
OF COSTS AND AFFIDAVIT  
IN SUPPORT THEREOF

I, Arthur Singleton, hereby apply for leave to  
proceed in this action without prepayment of fees or costs or security therefor. In support of my  
application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give  
security thereof.

Arthur L. Singleton  
Applicant

SWORN or affirmed to and subscribed before me this  
15th day of April, 2008.

Oscar B. Bunch  
Notary Public

My Commission Expires: 08-06-2009

Arthur Singleton, #300109

Applicant,

vs.

State of South Carolina,

Respondent.

MEMORANDUM IN-SUPPORT OF  
APPLICANT'S APPLICATION FOR  
POST CONVICTION RELIEF

2004-CP-43 501

COME(S) Now the Above Named Applicant, (Arthur Singleton), hereinafter Applicant, hereby respectfully submits this memorandum in support of this APPLICATION FOR POST CONVICTION RELIEF, Pursuant to S.C. Code Ann. §17-27-10 thru-120 (1985). This Memorandum will address specific issues on which Applicant's Application is based as follows:

■ 10.(a) Ineffective Assistance of Trial Counsel.

11.(a) The Applicant contends that the right to counsel is a fundamental right of a criminal defendant; it assures the fairness, and thus the legitimacy, of our adversary process. E.g., Gideon vs. Wainwright, 372 U.S. 335, 344, 83 S.Ct. 792, 1796, 9 L.E.2d 799 (1963). The essence of an ineffective assistance claim is that Counsel's unprofessional errors so upset the adversarial balance between Applicant's defense and prosecution that the trial was rendered unfair and the Verdict rendered suspect. See, e.g., Strickland vs. Washington, 466 U.S., at 686, 104 S.Ct. at 2064; United States vs. Cronin, 466 U.S. 648, 655-657, 104 S.Ct. 2039, 2044-2046, 80 L.Ed. 2d 657 (1984).

The Applicant contends that in order to prevail, the Applicant must show both that Counsel's representation fell below an objective standard of reasonableness, Strickland, 466 U.S., at 688, 104 S.Ct., at 2064, and that there exists a reasonable probability that, but for Counsel's unprofessional errors, the result of the proceeding would have been different. Id., at 694, 104 S.Ct., at 2068.

litigate that Applicant's Constitutional right to Fast, Speedy, and prompt disposition of his case, was denied unto him where the state Failed to take the fundamental action required by statute § 17-23-120 and § 17-23-60.

The Applicant would contend that he was arrested for violation of S.C. Code of Laws § 16-3-620, an arrest warrant for the offense of Assault & Battery with Intent to Kill. However, the Applicant was not served a copy of his charge in indictment form pursuant to statute § 17-13-90, *Speedy Trial Indictment*

Further, the Applicant would argue that pursuant to statute § 17-23-120 he has a due process right of law to petition the Circuit Court for prompt disposition of the arrest warrant(s) against him, (See South Carolina Rules of Criminal Procedures Rule 3).

In the state of South Carolina the Applicant has a Constitutional right to be fully heard in his defense by himself or by counsel or by both, and the Applicant once charged with an offense shall enjoy the right to a speedy and public trial, and be fully informed of the nature of the Cause and cause of accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor. (U.S. Const. Amend. 5th 6th, 14th; S.C. Const. Art. 1 § 5; Art. 1, § 14; Art. 1, § 22; and Art. 1, § 23,);

The Applicant has a due process of law right to object to all of the defects in the indictment against him and Applicant should further be allowed to have protection by the appointment of Counsel to see that the procedures by Statutes and S.C. Rules of Criminal Procedures Rule 3 because where his Counsel can openly object to the indictment due to the form or substance pursuant to § 17-23-130 and can obtain an acquittal to a bad indictment, and the proper filing of the instrument concerning his persons per statute § 30-9-10-30-9-30.

The State should have afforded the Applicant his right to be then heard by him or by his Counsel or both concerning the undertakings. The Fifth and Fourteenth Amendments of due process and equal protection should apply to the Applicant's claim and cases and Applicant should have been allowed to enjoy his right to Counsel to represent him at this stage which is critical where it pertains to liberty which is fundamental and where the Applicant could not be heard on his own behalf or object to what he could not see was happening and he was totally blind to the incidences transpiring, and where he was Not properly apprised in violation of his constitutional rights should inform this Honorable Court that a complete miscarriage of justice has transpired in this particular case because Counsel failed to argue the Above at trial. Had Counsel argued this issue at trial, there's a reasonable probability that Applicant would have been Acquitted. Due to Counsel's failure the Applicant was prejudiced where the State failed to take the fundamental action required by the statutes, to afford the Applicant his fundamental right to Counsel to represent his interest and protect his Constitutional right therefore, Counsel Must be rendered ineffective and the State should be barred from enforcing Statute § 16-3-620 against the Applicant at this particular time.

The indictment against the Applicant has not been properly processed pursuant to Statute § 14-17-260 (B)(C)(D) and the Rules of Procedures of the State grand jury apply to the County grand jury as well pursuant to Statute § 14-7-1640, and the State failed to take the necessary steps that are required by statutes of law which resulted in a fundamental defect and issuance of the Application for Post-Conviction Relief is Apparent where the indictment in question was not attested to in the Clerks



Seal of the Court and failed to sign officially the grand jury document and state the time when it was signed and entered. This is the prejudice suffered by the Applicant due to counsel's lack of effective representation, and this would clearly show that Counsel did not place the prosecution of the Applicant's case under the 2 pronged adversarial test as required in Gideon vs. Wainwright, 372 U.S. 335, 344, 83 S. Ct. 792, 1796, 9 L. Ed. 2d 799 (1963). Therefore, this unprofessional error so upset the adversarial balance between Applicant's defense that his trial was unfair, Strickland vs. Washington, 466 U.S., at 686, 104 S. Ct. at 2064; United States vs. Cronin, 466 U.S. 648, 655-657, 104 S. Ct. 2039, 2044-2046, 80 L. Ed. 2d 657 (1984).

10(b) Trial Counsel was ineffective for denying Applicant his Constitutional rights.

11(b) Trial Counsel was instructed to Appeal Applicant's guilty verdict on 9-25-03. Counsel failed to follow Applicant's instruction in violation of Rule 407 SCACRS, Rules of Professional Conduct et al. seq. which prejudiced the applicant by denying him his first Appeal as of right.

The Supreme Court held the Fourteenth Amendment guarantees the Applicant during the Appellant process while pursuing his first appeal as of right certain minimum safeguards necessary to make his appeal adequate and effective. see Griffin v. Illinois, 351 U.S. 12, 20, 76 S. Ct. 585, 591, 100 L. Ed. 891 (1956). Which Applicant can never receive because of Counsel's failure to file for Appeal on Applicant's behalf. Among the Above safeguards is the right to counsel, see Douglas v. California, 372 U.S. 353, 83 S. Ct. 814, 9 L. Ed. 2d 811 (1963). The Supreme Court also held that the Sixth Amendment is the creator to the right to trial-level counsel applied to the states and this is through the Fourteenth Amendment, see Gideon v. Wainwright, 372 U.S. 335, 344, 83 S. Ct. 792, 796, 9 L. Ed. 2d 799 (1963), comprehends the right to effective

ness of Counsel on appeal is a guarantee).

None the less, if a State has created appellate Courts as "an integral part of the... System for finally adjudicating the guilty or innocence of a defendant," Griffin v. Illinois, 351 U.S., at 590, the procedures used in deciding appeals must comport with the demands of the Due process and Equal protection clause of the Constitution, which Applicant was denied because of trial Counsel's unprofessional error of Not Filing the Appeal of Applicant's guilty verdict, which also in turn unduly prejudiced the Applicant as explained above.

THEREFORE, in the best interest of Justice, the Applicant's Sentence must be vacated with prejudice.

Respectfully Submitted by:  
Arthur J. Singleton  
 Mr. Arthur Singleton, #300109

This 17th day of April 2004,

PROOF OF SERVICE

The Applicant certifies that he has served the Clerk of Sumter County Court of Common Pleas, a copy of the Application For Post-Conviction Relief, and Memorandum in-support thereof by way of depositing a copy thereof in the U.S. mail postage paid in an envelope sealed addressed to:

HON. O.V. Player, Jr., Clerk  
Sumter County Court of  
Common Pleas  
141 Main Street  
Sumter, S.C. 29150

S. Arthur L. Singleton  
Mr. Arthur Singleton  
Evans Corr. Inst.  
610 HWY #9 West  
Bennettsville, S.C. 29512

This 7th day of April 2004.

COUNTY OF Sumter  
STATE VS.

AKA:

Race:

Sex:

Age:

DOB:

SS#:

Address:

City, State, Zip

DL#

SID#

DEPUTY CLERK OF COURT  
SUMTER COUNTY  
SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

-GS-

A/W#:

Date of Offense:

S.C. Code §:

CDR Code #:

☐ CASE RESTORED

SENTENCE

☐ PLEA ☒ TRIALIn disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS  
TO: Assault & Battery with intent to kill - Count onein violation of § 16-3-620 of the S.C. Code of Laws, bearing CDR Code # 010114☐ NON-VIOLENT☒ VIOLENT☐ SERIOUS☒ MOST SERIOUS☐ 17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.  
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 7 days/months/years or ☐ under the Youthful Offender Act not to exceed \_\_\_\_\_ years and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and/or payment of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.  
☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: Count 2  
☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered  
Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_

Payment Terms:

☐ set by SCDPPPS

Recipient:

Fine:

14-1-206 (Assessments 107.5%)

14-1-211(A)(1) (Surcharge)

14-1-211(A)(2) (Surcharge)

16-5-2995 (DUI Assessment)

13.3, 1B TP (Law Enforce. Funding)

13.7, 1B TP (Drug Court Surcharge)

10-21-114(BUI Breath Test Fee)

6-5-2942(J) (Vehicle Assessment)

to County (if paid in installments)

TOTAL

## SPECIAL CONDITIONS:

PTUP

\_\_\_\_\_ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning \_\_\_\_\_

Substance Abuse Counseling \_\_\_\_\_

Random Drug/Alcohol \_\_\_\_\_

Testing \_\_\_\_\_

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_

\$ \_\_\_\_\_ paid to Public Defender Fund

Other: \_\_\_\_\_

☐ Appointed PD or appointed other counsel, \$35.13 TP Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code:

Sentence Date:

09-25-03

Clerk of Court/ Deputy Clerk

Court

Reporter: Margaret Sullivan

Clerk - Green - Corrections

Canary - Probation

Pink - Defendant

SCCA/217 (6/2003)



STATE OF SOUTH CAROLINA

DEPUTY CLERK OF COURT  
SUMTER COUNTY  
SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Sumter  
STATE VS.AKA: Arthur L. SingletonRace: B Sex: M Age: [REDACTED]DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: [REDACTED]DL# [REDACTED] SID# [REDACTED]

INDICTMENT/CASE#:

-GS- 43 - 134A/W#: 2000Date of Offense: 10-2-99S.C. Code §: 16-3-620CDR Code #: 010114☐ CASE RESTORED

SENTENCE

☐ PLEA☒ TRIALIn disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS TO: Assaults Battery with intent to kill - Count 2in violation of § 16-3-620 of the S.C. Code of Laws, bearing CDR Code # 010114  
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ 17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 12 days/months/years or ☐ under the Youthful Offender Act not to exceed        years and/or to pay a fine of \$       ; provided that upon the service of        days/months/years and/or payment of \$       ; plus costs and assessments as applicable\*; the balance is suspended with probation for        months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:       ☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered  
Total: \$        plus 20% fee: \$       Payment Terms:       ☐ set by SCDPPPS       Recipient:       \*Fine: \$       

\$14-1-206 (Assessments 107.5%)	\$
\$14-1-211(A)(1) (Surcharge)	\$
\$14-1-211(A)(2) (Surcharge)	\$ <u>100.00</u>
\$56-5-2995 (DUI Assessment)	\$
\$73.3, 1B TP (Law Enforce. Funding)	\$
\$33.7, 1B TP (Drug Court Surcharge)	\$ <u>25.00</u>
\$50-21-114(BUI Breath Test Fee)	\$
\$56-5-2942(J) (Vehicle Assessment)	\$
1% to County (if paid in installments)	\$ <u>3.75</u>
TOTAL	\$ <u>128.75</u>

Clerk of Court/ Deputy Clerk

Court Reporter: Margaret Sullivan

SPECIAL CONDITIONS:

PTUP

days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning       Substance Abuse Counseling       

Random Drug/Alcohol

Testing       

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$        beginning       \$        paid to Public Defender FundOther:       ☐ Appointed PD or appointed other counsel, \$35.13 TP  
Requires \$500 be paid to Clerk during probation.PRESIDING JUDGE C. NeumannJudge Code: 0111217Sentence Date: 09-25-03

SCCA/217 (6/2003)

COUNTY OF  
STATESumterDEPUTY CLERK OF COURT  
SUMTER COUNTY  
SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

AKA:

Race:

Sex:

Age:

DOB:

SS#:

Address:

City, State, Zip

DL#

SID#

INDICTMENT/CASE#:

-GS-

43

134

A/W#:

Date of Offense:

S.C. Code §:

CDR Code #:

☐ CASE RESTORED  
SENTENCE☐ PLEA ☒ TRIAL

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS  
TO: Possession of Firearm during Crime of Violence  
in violation of § 16-23-490 of the S.C. Code of Laws, bearing CDR Code # 0549  
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.  
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.  
ATTEST:

W. Jason Corbett  
Solicitor

Defendant

Steve McKenzie  
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,  
for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed \_\_\_\_\_ years  
and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and/or payment  
of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_  
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions  
of probation, which are incorporated by reference.  
☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: Count 2  
☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied  
by the State Department of Corrections.

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered  
Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_  
Payment Terms: \_\_\_\_\_  
☐ set by SCDPPPS

Recipient:

\*Fine:

\$14-1-206 (Assessments 107.5%)	\$
\$14-1-211(A)(1) (Surcharge)	\$
\$14-1-211(A)(2) (Surcharge)	\$ 100.00
\$56-5-2995 (DUI Assessment)	\$
\$73.3, 1B TP (Law Enforce. Funding)	\$
\$33.7, 1B TP (Drug Court Surcharge)	\$ 25.00
\$50-21-114(BUI Breath Test Fee)	\$
\$56-5-2942(J) (Vehicle Assessment)	\$
1% to County (if paid in installments)	\$
TOTAL	\$ 3.75
	\$ 128.75

V. Plager

Clerk of Court/ Deputy Clerk

ourt

eporter: Margaret Sullivan

White - Clerk Green - Corrections Canary - Probation

Red - Defendant  
ed sentence served to day by Judge H.P. King on 02-26-09

## SPECIAL CONDITIONS:

PTUP

days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol

Testing

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ \_\_\_\_\_ beginning

\$ \_\_\_\_\_ paid to Public Defender Fund

Other: \_\_\_\_\_

☐ Appointed PD or appointed other counsel, \$35.13 TP  
Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code:

Sentence Date:

09-25-03

SCCA/217 (6/2003)

CERTIFIED TRUE COPY  
OF ORIGINAL FILEDAnna M. Prescott  
DEPUTY CLERK OF COURT  
SUMTER COUNTY  
SOUTH CAROLINA

17

STATE OF SOUTH CAROLINA )  
COUNTY OF SUMTER )INDICTMENT FOR  
ASSAULT AND BATTERY WITH INTENT  
TO KILL (TWO COUNTS) AND POSSESSION OF  
FIREARM DURING COMMISSION OF CRIME OF VIOLENCEAt a Court of General Sessions, convened on January 10, 2000,  
the Grand Jurors of Sumter County present upon their oath:COUNT ONE - ASSAULT AND BATTERY WITH INTENT TO KILL

That ARTHUR SINGLETON did in Sumter County on or about October 2, 1999, violate Section 16-3-620 of the Code of Laws of South Carolina (1976), as amended, in that he with malice aforethought, committed an assault and battery upon one [REDACTED] by shooting him with a firearm, with intent to kill the said [REDACTED].

COUNT TWO - ASSAULT AND BATTERY WITH INTENT TO KILL

That ARTHUR SINGLETON did in Sumter County on or about October 2, 1999, violate Section 16-3-620 of the Code of Laws of South Carolina (1976), as amended, in that he with malice aforethought, committed an assault and battery upon one [REDACTED] by shooting him with a firearm, with intent to kill the said [REDACTED].

COUNT THREE - POSSESSION OF FIREARM DURING COMMISSION  
OF CRIME OF VIOLENCE

That ARTHUR SINGLETON in Sumter County on or about October 2, 1999, was in possession of and did visibly display a firearm during the commission of a violent crime, to-wit: assault and battery with intent to kill, in violation of Section 16-23-490, Code of Laws of South Carolina (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

C. Kelly Jacobson  
SOLICITOR

DOCKET NO. 2000-GS-43-134

WITNESSES

SUMTER PD

Roger Baker

TOOKER  
The State of South Carolina,  
County of SUMTER

COURT OF GENERAL SESSIONS

JANUARY

TERM 2000

THE STATE

vs.

✓ ARTHUR SINGLETON

ACTION OF GRAND JURY

*True Bill*

*Grand Jury*

*Elect M. Smith*

VERDICT

*ONE - Guilty*

*Two - Guilty*

*Three - Guilty*

*all 3 - Guilty*

man of Petit Jury

Date:

*9-25-03*

Indictment for

ASSAULT AND BATTERY WITH INTENT  
TO KILL (TWO COUNTS) AND POSSESSION  
OF FIREARM DURING COMMISSION  
OF CRIME OF VIOLENCE



ARREST WARRANT

D- 769309

STATE OF SOUTH CAROLINA

County/ ☒ Municipality of SUMTER

RECORDED

THE STATE against 99 OCT 12 AM

O.V. PLAYER, RESCRIPTION OF OFFENSE: ASSAULT WITH INTENT TO KILL CLERK OF COURT

Address: SUMTER SC

Phone: [REDACTED]

Sex: M Race: B Height: 5'11 Weight: 185

DOB: [REDACTED]

Agency ORI #: 560700

Offense Code: 0014

Offense Description: 1C-30-C20

CERTIFIED FOR SERVICE in the Municipality of [REDACTED]

The accused is to be arrested and brought before me to be dealt with according to law.

Signature of Judge (L.S.)

RETURN

A copy of this arrest warrant was delivered to defendant [REDACTED]

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO: 10809/5500000001000

STATE OF SOUTH CAROLINA

County/ ☒ Municipality of SUMTER

RECORDED

Personally appeared before me the affiant [REDACTED]

did within this county and State of South Carolina in the following particulars:

the crime set forth and that probable cause is based on, the following facts: THE DEFENDANT NAMED ABOVE DID COME TO THE RIGHT LEG CARING BOBBY HARM AND RECEIVED THE OCCASION ON CLINTON STREET IN THE CITY OF SUMTER. PROBABLE CAUSE: THE DEFENDANT HAS BEEN IDENTIFIED AS GUILTY OF THE OFFENSE AND LAW ENFORCEMENT WILL ATTEMPT TO ARREST TO SANG

Sworn to and subscribed before me on 10-13-99

Signature of Issuing Judge (L.S.)

STATE OF SOUTH CAROLINA

County/ ☒ Municipality of SUMTER

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY

It appearing from the above affidavit that there are reasonable grounds to believe the defendant [REDACTED] did violate the criminal laws of the State of South Carolina (or ordinance of SUMTER)

DESCRIPTION OF OFFENSE: ASSAULT AND BATTERS WITH INTENT TO KILL (16-30-62)

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Signature of Issuing Judge (L.S.)

Judge's Address: 115 E. HARRISON ST SUMTER SC

Judge's Telephone: 436-2286

Issuing Court: [REDACTED]

AFFIDAVIT SIGNATURE [REDACTED]

Form Approved by S.C. Attorney General

ARREST WARRANT

D-769310

STATE OF SOUTH CAROLINA

County ☒ Municipality of SUMTER

THE STATE  
against

ARTHUR L. SINGLETON

SUMTER SC

SSN: [REDACTED]  
Race: B Height: 5'11" Weight: 125  
DL #: [REDACTED]

Agency ORI #: SC043060

Offense Code: 0014

Offense Sec: 16-30-620

Offense Description: AGGRAVATED BATTERY

Offense Date: 10-13-08

is ☒ CERTIFIED FOR SERVICE in the Municipality of [REDACTED]

The accused be arrested and brought before me to be with according to law.

Signature of Judge (L.S.)

RETURN

Copy of this arrest warrant was delivered to Arthur L. Singleton

Signature of Constable/Law Enforcement Officer

Signature of Constable/Law Enforcement Officer

JRN WARRANT TO: 28995000100000000000

STATE OF SOUTH CAROLINA

County ☒ Municipality of SUMTER

Personally appeared before me the affiant Arthur L. Singleton being duly sworn deposes and says that defendant Arthur L. Singleton State of South Carolina (or ordinance of [REDACTED] County) [REDACTED] Municipality of SUMTER Violate the criminal laws of the State of South Carolina

RECORDED

99 OCT 12 11:30

CLERK OF COURT

SUMTER COUNTY, S.C.

DESCRIPTION OF OFFENSE: AGGRAVATED BATTERY

1 further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts: THE DEFENDANT DID COMMIT THE ABOVE OFFENSE IN THAT HE DID SHOOT ONE LANCEL BARNES IN THE CHEST CAUSING BODILY HARM AND REQUIRING THE VICTIM TO BE ADMITTED TO TOWNES HOSPITAL. SAID OFFENSE HAVING OCCURRED ON VINING STREET IN THE CITY OF SUMTER.

THE PROBABLE CAUSE OF THE DEFENDANT HAS BEEN IDENTIFIED AS CAUSING THE OFFENSE AND LAW ENFORCEMENT WILL ATTEMPT TO CAUSE.

Sworn to and subscribed before me on 10-13-08 at [REDACTED]

Signature of Issuing Judge (L.S.)

Signature of Affiant

Affiant's Address 107 E Hampton

Affiant's Telephone 773-1507

STATE OF SOUTH CAROLINA

County ☒ Municipality of SUMTER

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that did violate the criminal laws of the State of South Carolina (or ordinance of [REDACTED] County) [REDACTED] Municipality of SUMTER Violate the criminal laws of the State of South Carolina

DESCRIPTION OF OFFENSE: AGGRAVATED BATTERY

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Signature of Issuing Judge (L.S.)

Judge's Address 115 Quail Run

Judge's Telephone 773-1507

AFFIDAVIT SIGNATURE

Signature of Affiant

Signature of Issuing Judge

Signature of Affiant

Signature of Issuing Judge

Signature of Affiant

Signature of Issuing Judge

Signature of Affiant

Signature of Issuing Judge

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Signature of Issuing Judge

Signature of Affiant

Signature of Issuing Judge

Signature of Affiant

Signature of Issuing Judge

Form Approved by SC Attorney General July 28, 1990 SCA 518

STATE OF SOUTH CAROLINA	)	
COUNTY OF SUMTER	)	IN THE COURT OF COMMON PLEAS
	)	
	)	2004-CP-43-501
Arthur Singleton, 300109 ,	)	
Applicant,	)	
v.	)	RETURN
State of South Carolina,	)	
Respondent.	)	

The Respondent, making its Return to the Application for Post-Conviction Relief filed April 16, 2004, would respectfully show this Court:

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Sumter County. The Applicant was indicted at the January 2000 term of the Court of General Sessions for Sumter County for two (2) counts Assault and Battery with Intent to Kill (ABWIK) and Possession of a Firearm during the Commission of a crime of violence (00-GS-43-134). He was represented by Steve McKenzie, Esquire. On September 23, 2003, the Applicant was tried in his absence and he was found guilty as indicted. The Honorable Clifton Newman was the trial judge and issued a sealed sentence. On February 26, 2004, the Honorable Howard P. King unsealed the sentence and order the Applicant to confinement for a period of twelve (12) years for one count of ABWIK, seven (7) years for the other count of ABWIK concurrent, and five (5) years for Possession of a firearm concurrent. Applicant did not file an appeal.

Attached herewith and incorporated herein by reference are the records of the Sumter County Clerk of Court regarding the subject conviction(s), the Applicant's records from the Department of Corrections, and the Applicant's trial transcript.

II.

In his Application, the Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of trial counsel.

III.

The Respondent contends that the Applicant's trial counsel rendered adequate assistance and provided representation within the range of competence required by attorneys in criminal cases. *See Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985).

In a post-conviction relief proceeding, the Applicant bears the burden of proving the allegations in their application. *Butler, Id.* Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." *Strickland v. Washington*, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); *Butler, Id.*

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. *Strickland, Id.* The Applicant must overcome this presumption in order to receive relief. *Cherry v. State*, 300 S.C. 115, 386 S.E.2d 624 (1989).



A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, *citing Strickland*. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

The Respondent submits that the Applicant cannot satisfy either requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that cannot be conclusively refuted by the record. The Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

#### IV.

The Respondent therefore requests that this Court convene an evidentiary hearing solely on the issue of ineffective assistance of counsel. As to all other allegations, the Respondent moves for summary dismissal pursuant to S.C. Code Ann. § 17-27-70 on the basis that there is no genuine issue of material fact which would necessitate an evidentiary hearing and that those allegations should be dismissed as a matter of law.

#### V.

Each and every allegation contained within the application not hereinbefore either expressly admitted, qualified or explained is hereby denied.

VI.

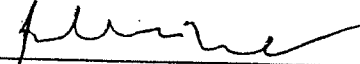
WHEREFORE, having made its Return, the Respondent requests that a hearing be held.

HENRY DARGAN McMASTER  
Attorney General

JOHN W. McINTOSH  
Chief Deputy Attorney General

SALLEY W. ELLIOTT  
Assistant Deputy Attorney General

PAULA S. MAGARGLE  
Assistant Attorney General

By:   
ATTORNEYS FOR RESPONDENT

Office of the Attorney General  
P.O. Box 11549  
Columbia, SC 29211  
Telephone: (803) 734-3737

May 9, 2005.

STATE OF SOUTH CAROLINA )  
COUNTY OF SUMTER )  
  
STATE, )  
PLAINTIFF, )  
v. )  
ARTHUR SINGLETON, 300109, )  
DEFENDANT. )  

---

COURT OF COMMON PLEAS

TRANSCRIPT OF HEARING  
2004-CP-43-501

SUMTER, SOUTH CAROLINA  
FEBRUARY 26, 2004

BEFORE:

HONORABLE HOWARD P. KING, PRESIDING JUDGE.

APPEARANCES:

Jason Corbett, Esquire  
Assistant Solicitor  
Sumter County  
Sumter, South Carolina 29151  
Attorney for The State

Steven McKenzie, Esquire  
16 N. Brooks Street  
Manning, South Carolina 29102  
Attorney for Plaintiff

TAKEN BY MELISSA R. WINFIELD  
CERTIFIED VERBATIM REPORTER

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EXHIBITS

(There were no Exhibits marked at this hearing)

1 THE COURT: ALL RIGHT. MR. CORBETT.

2 MR. CORBETT: YOUR HONOR, IF IT PLEASE THE COURT. THIS  
3 IS STATE OF SOUTH CAROLINA VS. ARTHUR L. SINGLETON. IT IS  
4 INDICTMENT 2000-GS-43-134. MR. SINGLETON WAS BEFORE THE COURT  
5 BACK ON SEPTEMBER THE 25<sup>TH</sup> OF 2003. YOUR HONOR, BY WAY OF A  
6 LITTLE BIT OF BACKGROUND PRIOR TO THAT TIME, I BELIEVE, MR.  
7 SINGLETON WAS ASSIGNED A PUBLIC DEFENDER. HIS CASE WAS  
8 COMING UP FOR TRIAL. HE HAD MOVED FOR A CONTINUANCE TO  
9 OBTAIN COUNSEL WHICH HE DID. THE CASE WAS CALLED ON  
10 SEPTEMBER 25<sup>TH</sup> OF 2003. MR. SINGLETON'S ATTORNEY MR. STEVE  
11 MCKENZIE WAS PRESENT IN THE COURTROOM, MR. SINGLETON WAS  
12 NOT. AT THAT TIME, TRIAL PROCEEDED IN HIS ABSENCE. AFTER A  
13 DAY OR SO OF TRIAL, THE JURY RETURNED A VERDICT OF GUILTY ON  
14 TWO COUNTS OF ASSAULT AND BATTERY WITH INTENT TO KILL.  
15 JUDGE NEWMAN ...

16 THE COURT: ALSO, HE DID HAVE A POSSESSION OF A WEAPON,  
17 DIDN'T HE?

18 MR. CORBETT: YES, SIR. AND A COUNT OF POSSESSION OF A  
19 WEAPON DURING THE COMMISSION OF A VIOLENT CRIME. JUDGE  
20 NEWMAN COMPLETED A SEALED SENTENCED. ISSUED A BENCH  
21 WARRANT FOR MR. SINGLETON'S ARREST. OVER A PERIOD OF TIME  
22 WE WERE EVENTUALLY ABLE TO LOCATE MR. SINGLETON AND GET  
23 HIM ARRESTED. HE IS NOW BEFORE THE COURT FOR THE UNSEALING  
24 OF THAT SENTENCE.

25 THE COURT: ALL RIGHT.

1 MR. CORBETT: JUDGE, I ALSO UNDERSTAND THAT PROBATION  
2 HAS A MATTER ALONG WITH THIS.

3 THE COURT: ALL RIGHT. I DO HAVE --- AND HAVE BEEN HANDED  
4 BY THE PROBATION DEPARTMENT A COPY OF A NOTICE OF A  
5 PROBATION VIOLATION HEARING SCHEDULED FOR 3-12-04. THAT IS  
6 THE NOTICE THAT WAS HANDED TO THE COURT AND I ALSO HAVE A  
7 COPY OF THE 1106 AND A COPY OF THE ARREST WARRANT FOR THE  
8 PROBATION VIOLATION THAT WHICH WAS ISSUED BY THE  
9 DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES ON  
10 NOVEMBER 12<sup>TH</sup> 2003 AND WAS SERVED ON HIM ON JANUARY 13<sup>TH</sup>, 2004.  
11 THIS IS FOR AN OFFENSE THAT OCCURRED FROM A SENTENCE THAT  
12 WAS IMPOSED BY JUDGE LLOYD ON 6-4-03 FOR POSSESSION OF CRACK  
13 COCAINE. AND IT IS BEFORE THE COURT ALSO BY THE PROBATION  
14 VIOLATION TODAY. MR. MCKENZIE, I WILL TELL YOU THAT THE  
15 PROBATION DEPARTMENT HAS INDICATED THEY WOULD LIKE TO GO  
16 AHEAD AND DISPOSE OF THE PROBATION VIOLATION AT THE SAME  
17 TIME OF THE IMPOSITION OF THE SENTENCE IN CONNECTION WITH THE  
18 CASES BEFORE JUDGE NEWMAN EVEN THOUGH IT'S NOT SCHEDULE  
19 UNTIL MARCH THE 12<sup>TH</sup>, IS THERE ANY OBJECTION TO DOING THAT?

20 MR. MCKENZIE: THERE IS NO OBJECTION, YOUR HONOR.

21 THE COURT: ALL RIGHT. IS THERE ANY THING FROM THE  
22 DEFENSE BEFORE THE SEALED SENTENCE IS OPENED?

23 MR. MCKENZIE: NOTHING, YOUR HONOR.

24 THE COURT: ALL RIGHT. IN CONNECTION WITH CASE NUMBER  
25 2000-GS-43-134, THE STATE OF SOUTH CAROLINA VS. ARTHUR

1 SINGLETON THE COURT HAS THE ORIGINAL SENTENCING DOCUMENTS  
2 FROM THE SEALED SENTENCE BY JUDGE NEWMAN BACK ON  
3 SEPTEMBER THE 25<sup>TH</sup> AND THE COURT WILL JUST READ THE  
4 SENTENCES AS IMPOSED BY JUDGE NEWMAN AT THAT TIME.

5 ON THE COUNT FOR ASSAULT AND BATTERY WITH INTENT TO  
6 KILL, COUNT ONE, THE SENTENCE OF THE COURT IS THE DEFENDANT  
7 IS COMMITTED TO THE STATE DEPARTMENT OF CORRECTIONS FOR A  
8 TERM OF 7 YEARS. IT IS TO RUN CONCURRENT WITH COUNT TWO AND  
9 HE WILL BE GIVEN CREDIT FOR TIME SERVED. ON COUNT TWO OF THE  
10 INDICTMENT WITH ASSAULT AND BATTERY WITH INTENT TO KILL, THE  
11 SENTENCE OF THE COURT, THE DEFENDANT IS COMMITTED TO THE  
12 STATE DEPARTMENT OF CORRECTIONS FOR A TERM OF 12 YEARS AND  
13 IS GIVEN CREDIT FOR THE TIME SERVED. AND ON THE CHARGE OF  
14 POSSESSION OF A FIREARM DURING THE CRIME OF VIOLENCE, THE  
15 SENTENCE OF THE COURT WAS THAT THE DEFENDANT WAS  
16 COMMITTED TO THE STATE DEPARTMENT OF CORRECTIONS FOR THE  
17 TERM OF 5 YEARS TO RUN CONCURRENT AND AGAIN GIVEN CREDIT  
18 FOR TIME SERVED.

19 SO, IN A NUTSHELL, THE POSSESSION OF A FIREARM WAS 5  
20 YEARS. COUNT TWO, ONE OF THE ASSAULT AND BATTERY WITH  
21 INTENT TO KILL WAS 12 YEARS AND THE OTHER ASSAULT AND  
22 BATTERY WITH INTENT TO KILL WAS 7 YEARS AND THEY WERE ALL  
23 TO RUN CONCURRENT.

24 ALL RIGHT. BEFORE I CALL ON MR. MCKENZIE WITH REGARD TO  
25 ANYTHING WITH REGARD TO THE SEALED SENTENCE, LET ME TELL

1 MR. SINGLETON THAT THE PROBATION DEPARTMENT ALLEGES THAT  
2 YOU VIOLATED YOUR PROBATION BY FAILING TO REPORT, HAVING  
3 MISSED REPORTS ON 9-17-03 AND THAT YOU LAST REPORTED ON  
4 AUGUST 13, '03. YOU WERE BEHIND IN YOUR SUPERVISION FEES. YOU  
5 WERE BEHIND IN YOUR SURCHARGES AND YOU HAVE NOT ATTENDED  
6 THE COURT ORDERED ALCOHOL AND DRUG ABUSE COUNSELING. DO  
7 YOU UNDERSTAND THE THINGS THAT THE DEPARTMENT SAYS THAT  
8 YOU DID TO VIOLATE YOUR PROBATION?

9 MR. SINGLETON: YES, SIR.

10 THE COURT: AND YOU WERE ON PROBATION FOR POSSESSION  
11 OF CRACK COCAINE IMPOSED BY JUDGE LLOYD. THAT SENTENCE WAS  
12 3 YEARS SUSPENDED TO 2 YEARS PROBATION. AND IT WOULD BE  
13 TREATED AS ABSCONDED, IS THAT RIGHT, MS. RUCKER?

14 MS. RUCKER: YES, SIR, YOUR HONOR.

15 THE COURT: ALL RIGHT. YOU WOULD ALSO HAVE THE RIGHT TO  
16 PRESENT ANY TESTIMONY OR ANY EVIDENCE TO ME THAT YOU WISH  
17 TO PRESENT REGARDING THE PROBATION VIOLATION, DO YOU  
18 UNDERSTAND THAT?

19 MR. SINGLETON: YES, SIR.

20 THE COURT: ANY YOU'RE HERE TODAY WITH MR. MCKENZIE. I  
21 KNOW HE'S REPRESENTING YOU IN CONNECTION WITH THE CRIMINAL  
22 CHARGES THAT ARE BEFORE THE COURT NOW. HAVE YOU ALSO HAD  
23 A CHANCE TO TALK WITH HIM ABOUT YOUR PROBATION VIOLATION?

24 MR. SINGLETON: YES, SIR.

25 THE COURT: AND DO YOU UNDERSTAND THAT YOU HAVE THE



1 RIGHT TO APPEAL FROM WHATEVER DECISION THAT I MAKE IN  
2 CONNECTION WITH YOUR PROBATION VIOLATION AND YOU MUST DO  
3 THAT WITHIN 10 DAYS?

4 MR. SINGLETON: YES, SIR.

5 THE COURT: ALL RIGHT. MR. MCKENZIE, I'LL BE GLAD TO HEAR  
6 FROM YOU WITH REGARD TO ANYTHING WITH REGARD TO THE  
7 SENTENCE IMPOSED BY JUDGE NEWMAN OR THE PROBATION  
8 VIOLATION.

9 MR. MCKENZIE: WELL, YOUR HONOR, AS YOU ARE WELL AWARE  
10 AND THERE IS NOT A WHOLE LOT WE CAN DO ABOUT THE SENTENCE  
11 IMPOSED. IT IS SOMETHING THAT WAS DONE IN TRIAL IN ABSENCE  
12 AND MY CLIENT, ALTHOUGH HE DID NOT APPEAR IN COURT THAT DAY  
13 HE WAS ALWAYS IN THE SUMTER AREA. IN FACT, HE WAS  
14 APPREHENDED IN THE SUMTER AREA. I TALKED TO HIM SEVERAL  
15 TIMES BY PHONE REGARDING HIS APPEARANCE IN COURT. ANY, YOUR  
16 HONOR, MY CLIENT --- IT'S UNFORTUNATE HE DIDN'T APPEAR. I  
17 REALLY BELIEVE THAT HAD HE APPEARED IT WOULD HAVE MADE A  
18 DIFFERENCE IN THE TRIAL. IT'S DIFFICULT TO DEFEND AN EMPTY  
19 CHAIR AND HE UNDERSTANDS THAT NOW. IN HINDSIGHT LIKE IT  
20 ALWAYS IS 20/20 AND HE WISH THAT HE WOULD HAVE BEEN HERE BUT  
21 HE WASN'T AND WE HAVE TO DEAL WITH THE FACT THAT HE WASN'T  
22 HERE AND WE HAVE TO DEAL WITH THE FACT THAT HE HAVE GONE  
23 DOWN THAT ROAD AND WE HAVE TO KEEP GOING DOWN THAT ROAD.  
24 YOUR HONOR, IN REGARDS TO THE PROBATION VIOLATIONS, ITS MY  
25 UNDERSTANDING FROM THE PROBATION DEPARTMENT THAT THEY

1 HAVE NO PROBLEM WITH RUNNING THAT SENTENCE CONCURRENT  
2 WITH THE SENTENCE THAT HAS ALREADY BEEN IMPOSED BY JUDGE  
3 NEWMAN AND I WOULD ASK THE COURT TO CONSIDER RUNNING THAT  
4 CONCURRENT.

5 THE COURT: THAT'S WHAT I INTEND TO DO.

6 MR. MCKENZIE: THANK YOU.

7 THE COURT: ANYTHING ELSE ON BEHALF OF THE STATE, MR.  
8 CORBETT?

9 MR. CORBETT: NOTHING, YOUR HONOR.

10 THE COURT: ANYTHING FROM THE PROBATION DEPARTMENT,  
11 MS. RUCKER?

12 MS. RUCKER: NOTHING, YOUR HONOR.

13 THE COURT: WITH REGARD TO THE PROBATION VIOLATION, I  
14 FIND THAT THERE WAS A WILLFUL AND INTENTIONAL VIOLATION OF  
15 THE PROBATION BY FAILING TO REPORT AT LEAST FAILING TO  
16 REPORT. THAT IS A VIOLATION OF HIS PROBATION. AS A RESULT OF  
17 THAT THE COURT IS GOING TO REVOKE THE REMAINING, THE  
18 SUSPENDED PORTION OF HIS SENTENCE AND IMPOSE THE SENTENCE  
19 THAT WAS ORIGINALLY IMPOSED BY JUDGE LLOYD AND TERMINATE  
20 PROBATION. AND, OF COURSE, WITH REGARD TO THE SENTENCE  
21 IMPOSED BY JUDGE NEWMAN, THE COURT WOULD SIMPLY REAFFIRM  
22 THE SENTENCES THAT HAVE ALREADY BEEN IMPOSED BY JUDGE  
23 NEWMAN WHICH IS BASICALLY A 12 YEAR SENTENCE TO ALL RUN  
24 CONCURRENT SO THEY WILL ALL RUN TOGETHER.

25 MR. MCKENZIE: THANK YOU, YOUR HONOR.

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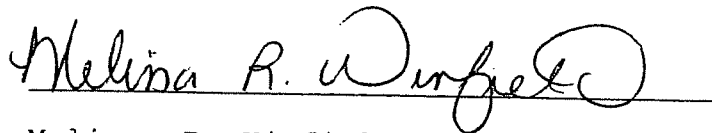
THE COURT: THANK YOU.

**CERTIFICATE**

This is to certify that the hearing in State of South Carolina vs. Arthur Singleton, consisting of Nine (9) pages, is a true and correct transcript of the testimony given after being duly sworn; said hearing was reported by the method of Stenomask with Backup.

I further certify that I am not employed by any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal this 28<sup>th</sup> day of July, 2004.

A handwritten signature in black ink, reading "Melissa R. Winfield", is written over a horizontal line.

Melissa R. Winfield  
Certified Court Reporter

Notary Public for South Carolina  
My Commission Expires: 3-5-2014

STATE OF SOUTH CAROLINA )  
 ) COURT OF COMMON PLEAS  
COUNTY OF SUMTER ) 2004-CP-43-501

ARTHUR SINGLETON, )  
 ) PETITIONER)  
VS. ) TRANSCRIPT OF RECORD  
 )  
STATE OF S.C. )  
RESPONDENT)

OCTOBER 6, 2005  
SUMTER, SOUTH CAROLINA

B E F O R E:

THE HONORABLE THOMAS W. COOPER, JR., JUDGE.

A P P E A R A N C E S:

CHARLES BROOKS, ESQUIRE  
ATTORNEY FOR THE PETITIONER

PAULA MAGARGLE, ASSISTANT ATTORNEY GENERAL  
ATTORNEY FOR THE RESPONDENT

KATHLEEN RICHARDSON, RPR  
OFFICIAL COURT REPORTER

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STEVE MCKENZIE

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EXHIBITS

(NO EXHIBITS WERE MARKED.)

1 THE COURT: ALL RIGHT. THIS IS THE MATTER OF  
2 ARTHUR SINGLETON. MR. BROOKS NOW FOR THE APPLICANT  
3 IN PLACE OF MRS. SHARON CLARK. IS THAT RIGHT?

4 MR. BROOKS: THAT'S CORRECT, JUDGE. THERE  
5 SHOULD BE AN ORDER IN THE FILE.

6 THE COURT: I'M SURE. THANK YOU. ALL RIGHT.

7 MR. BROOKS: IF YOU ARE READY, JUDGE.

8 THE COURT: YES, SIR, MR. BROOKS. THE APPLICANT  
9 IS READY?

10 MR. BROOKS: YES, SIR. JUDGE, WE WOULD CALL  
11 ARTHUR SINGLETON TO THE STAND.

12 THE COURT: MR. SINGLETON, COME FORWARD, PLEASE  
13 SIR, AND BE SWORN.

14 ARTHUR SINGLETON, AFTER  
15 BEING DULY SWORN, TESTIFIED AS FOLLOWS:

16 THE COURT: MR. BROOKS, YOU CAN EXAMINE THE  
17 WITNESS.

18 MR. BROOKS: OKAY.

19 DIRECT EXAMINATION

20 BY MR. BROOKS:

21 Q OKAY. ARTHUR, YOU'RE CURRENTLY INCARCERATED ON THESE  
22 CHARGES, ASSAULT AND BATTERY WITH INTENT TO KILL AND  
23 POSSESSION OF A FIREARM?

24 A YES, SIR.

25 Q AND ANOTHER COUNT OF ASSAULT AND BATTERY WITH INTENT



1 TO KILL. AND BASICALLY THE JUDGE GAVE YOU A 12 YEAR  
2 SENTENCE?

3 A YES, SIR.

4 Q OKAY. NOW, YOU WERE NOT AT YOUR TRIAL?

5 A NO, SIR.

6 Q CAN YOU TELL US ABOUT THAT? WHAT WAS THE  
7 RELATIONSHIP WITH YOU AND YOUR TRIAL COUNSEL, MR.  
8 MCKENZIE?

9 A WELL, ALL RIGHT. WHEN I WAS ADVISED THAT -- TO COME  
10 BACK THE -- TO ROLL CALL. WHEN I CAME TO ROLL CALL, THEY  
11 TOLD ME TO COME BACK THAT FOLLOWING MONDAY BECAUSE I WAS  
12 PROBABLY GOING TO BE HERE GETTING READY TO GO TO TRIAL.

13 SO I TALKED TO MR. MCKENZIE AND ASKED COULD I BRING  
14 IN A PAPER AND HOPEFULLY GET IT CONTINUANCE ON THE CASE  
15 AND GIVE ME SOME TIME TO GET MY AFFAIRS STRAIGHT, AND WE  
16 AGREED TO THAT.

17 SO AT THAT POINT, THAT MONDAY I CAME ON DOWN. HE  
18 TOLD ME TO COME ON DOWN ANY WAY SO THAT I WOULDN'T GET A  
19 BENCH WARRANT FOR MY ARREST. SO I CAME DOWN AND I SPOKE  
20 WITH THE SOLICITOR. THE SOLICITOR HAD SAID THAT THEY HAD  
21 NO KNOWLEDGE OF WHAT WAS GOING ON. SO I TALKED TO STEVE  
22 AND HE TOLD ME HE WOULD TAKE CARE OF IT, STILL GET A  
23 CONTINUANCE.

24 AND FROM THERE I LEFT FROM UP HERE. AND I TALKED TO  
25 STEVE, YOU KNOW, A FEW DAYS LATER, AND HE TOLD ME THAT THE

1 CASE WAS -- THAT MY TRIAL WAS GOING TO START AND HE KEPT  
2 ME UP TO DATE WITH WHAT WAS GOING ON WITH IT, YOU KNOW,  
3 DURING THE TIME TO LET ME KNOW THAT I LOST THE TRIAL.

4 SO FROM THERE I WAS BROUGHT INTO CUSTODY A WHILE,  
5 MAYBE A MONTH OR TWO AFTER, AND THEY TOLD ME THAT I HAD TO  
6 WAIT AND THEY HAD A SEALED SENTENCE FOR ME, AND THEY  
7 OPENED THE SEALED SENTENCE, READ THE SENTENCE OFF TO ME,  
8 ASKED ME -- LET -- WELL, JUDGE TOLD ME THAT---

9 Q BUT NOW, LET'S BACK UP HERE. WHY WERE YOU NOT AT  
10 YOUR TRIAL?

11 A WELL, I -- ONE OF THE REASONS I WAS NOT AT TRIAL IS  
12 BECAUSE FOR ONE I WAS SCARED. I AIN'T GOING TO LIE. I  
13 WAS SCARED. FOR TWO, I FELT LIKE THAT ME AND MY COUNSEL  
14 HAD ALREADY AGREED TO GET MORE TIME, A CONTINUANCE ON THE  
15 CASE. I SAY IT LIKE THAT. WE HAD ALREADY AGREED TO GET A  
16 CONTINUANCE ON THE CASE. THEN WITH THAT -- ALSO WITH  
17 THAT---

18 Q DID, OKAY. LET ME BACK UP. DID HE TELL YOU HE WAS  
19 GOING TO GET YOU A CONTINUANCE?

20 A YES, SIR.

21 Q AND YOU FELT CONFIDENT THAT THAT WAS GOING TO HAPPEN?

22 A YES, SIR.

23 Q IS THAT WHY YOU DIDN'T SHOW UP?

24 A YES, SIR.

25 Q IF YOU HAD KNOWN THAT HE WASN'T GOING TO GET A

1 CONTINUANCE, WOULD YOU HAVE BEEN THERE?

2 A YES, SIR. I MEAN, IF HE HAD TOLD ME THAT, NO, SIR, I  
3 CAN'T GET YOU A CONTINUANCE, YES, SIR, I WOULD HAVE BEEN.

4 Q OKAY. NOW, THEY ULTIMATELY FOUND YOU GUILTY, ISSUED  
5 A BENCH WARRANT, FOUND YOU, AND THEN IN FEBRUARY OF '04  
6 YOU WERE BROUGHT IN FRONT OF JUDGE KING AND WHERE THEY  
7 UNSEALED THE SENTENCE, AND THAT'S WHEN YOU FOUND OUT WHAT  
8 YOU RECEIVED. IS THAT RIGHT?

9 A YES, SIR.

10 Q AND DID YOU -- DID MR. MCKENZIE MAKE ANY MOTIONS TO  
11 RECONSIDER YOUR SENTENCE?

12 A WELL---

13 Q TO YOUR KNOWLEDGE?

14 A NOT TO MY KNOWLEDGE.

15 Q DID HE APPEAL YOUR CASE?

16 A NO, SIR.

17 Q DID YOU TELL HIM YOU WANTED HIM TO APPEAL YOUR CASE?

18 A YES, SIR.

19 Q OKAY. AS FAR AS YOU NOT BEING AT YOUR TRIAL, DID MR.  
20 MCKENZIE HAVE ACCESS TO YOU?

21 A AS FAR AS LIKE WHILE THE TRIAL WAS GOING ON OR AFTER  
22 THE TRIAL, WE KEPT IN -- WE KEPT IN TOUCH WITH EACH OTHER  
23 EVEN AFTER THE TRIAL. WELL, WHEN THE TRIAL WAS DONE AND  
24 UP UNTIL THE TIME THAT I WAS, YOU KNOW, LOCKED UP, WE, YOU  
25 KNOW, I HAD CONTACT WITH HIM.

1           YOU KNOW, I NEVER LEFT TOWN OR NOTHING LIKE THAT, SO  
2           I HAD CONTACT BECAUSE I WAS ALWAYS CONSTANTLY TALK --  
3           TRYING TO GET IN TOUCH WITH HIM TO FIND OUT, DID YOU HEAR  
4           HOW MUCH TIME I GOT OR ANYTHING LIKE THAT, YOU KNOW, SO...

5           Q     IS THERE ANY -- IS THERE ANYTHING ELSE YOU WOULD LIKE  
6           TO TELL THE COURT ABOUT YOUR POST CONVICTION RELIEF  
7           MATTER? THIS IS YOUR TIME.

8           A     WELL, ALL I CAN ASK RIGHT NOW IS THAT, YOU KNOW, THAT  
9           THE COURTS HAVE MERCY AND GRANT ME THIS NEW TRIAL SO THAT  
10          I CAN HAVE A FAIR CHANCE TO BE THERE, YOU KNOW, BECAUSE I  
11          FEEL LIKE I WOULD HAVE DID BETTER IF I WAS THERE.

12          I KNOW I WOULDN'T BE STUCK WITH THIS MUCH TIME IF I  
13          WAS THERE. I KNOW THINGS WOULD BE TOTALLY DIFFERENT. THE  
14          OUTCOME WOULD HAVE BEEN TOTALLY DIFFERENT. AND I JUST ASK  
15          THAT THE COURTS HAVE MERCY ON ME AND GRANT ME A NEW TRIAL.

16          Q     OKAY.

17               MR. BROOKS: JUDGE, I HAVE NO OTHER QUESTIONS.

18               THE COURT: THANK YOU. MRS. MAGARGLE?

19               MRS. MAGARGLE: MAY IT PLEASE THE COURT.

20               THE COURT: THANK YOU.

21                               CROSS-EXAMINATION

22          BY MRS. MAGARGLE:

23          Q     MR. SINGLETON, I GUESS I'M A LITTLE -- JUST A LITTLE  
24          CONFUSED. YOU SAID THAT YOU WERE IN CONTACT WITH MR.  
25          MCKENZIE EVEN THROUGH THE TRIAL?

1 A YES, MA'AM.

2 Q SO YOU KNEW THAT THE TRIAL WAS GOING ON?

3 A YES, MA'AM.

4 Q OKAY. AND YOU JUST DECIDED THAT YOU DIDN'T NEED TO  
5 COME?

6 A NO, I DIDN'T DECIDE THAT. IT WAS JUST THAT I NEVER  
7 BEEN IN TROUBLE BEFORE. I WAS ONLY 20 YEARS OLD AT THE  
8 TIME.

9 Q UH-HUH.

10 A AND I NEVER HAVE -- I HAD NO KNOWLEDGE OF WHAT WAS  
11 GOING ON. SO BEING THAT HE WAS -- HE WAS RETAINED TO  
12 REPRESENT ME, I WAS UNDER THE IMPRESSION THAT, YOU KNOW,  
13 BEING THAT HE WAS HERE TALKING FOR ME, THAT IT COULD -- IT  
14 COULD GO LIKE THAT.

15 Q SO YOU KNEW THAT THE TRIAL WAS GOING ON?

16 A YES, MA'AM.

17 Q OKAY. AND YOUR TESTIMONY HERE TODAY IS THAT YOU WERE  
18 IN CONTACT EVEN WITH HIM AFTER THE TRIAL AND AFTER YOU HAD  
19 BEEN SENTENCED?

20 A YES, MA'AM.

21 Q OKAY. AND -- BUT YET YOU WERE CONVICTED IN  
22 FEBRUARY -- IN SEPTEMBER OR FOUND GUILTY IN SEPTEMBER.  
23 WHERE WERE YOU FROM SEPTEMBER TO FEBRUARY?

24 A IN DECEMBER I WAS IN -- INCARCERATED WAITING FOR THEM  
25 TO BRING ME BACK TO COURT TO OPEN UP THE SENTENCE. THAT

1 WAS JUST WAITING TIME.

2 Q OKAY. IS THAT WERE YOU -- IS THAT WHEN YOU -- WERE  
3 YOU IN NEW YORK?

4 A NO, I NEVER WAS OUT OF TOWN.

5 Q YOU NEVER LEFT TOWN? I'M THINKING OF SOMEONE ELSE.  
6 SO THEY PICKED YOU UP IN DECEMBER?

7 A YES, MA'AM.

8 Q WHERE WERE YOU FROM SEPTEMBER TILL DECEMBER?

9 A HOME.

10 Q OKAY. AND WHEN EXACTLY DO YOU -- DID YOU ASK  
11 MR. MCKENZIE TO APPEAL?

12 A AS SOON AS -- WHEN I GOT -- WHEN THEY OPENED UP MY  
13 SENTENCE, HE WALKED ME BACK IN THE -- IN THE BULL PEN AND  
14 HE TALKED TO ME, AND HE -- HE ASKED ME DID I WANT TO  
15 APPEAL THE CASE, AND I ASKED -- I TOLD HIM -- I TOLD HIM,  
16 YES.

17 I INSTRUCTED HIM TO FILE THE APPEAL AND, YOU KNOW, TO  
18 FILE FOR THE APPEAL. AND MY MOTHER AND MY GIRLFRIEND,  
19 WHICH WAS THE PERSON RESPONSIBLE FOR PAYING HIM THE MONEY,  
20 INSTRUCTED HIM AS WELL TO FILE FOR THE APPEAL. AND THEY  
21 WITNESSED THAT HE TOLD ME HE WAS GOING TO FILE FOR THE  
22 APPEAL.

23 MRS. MAGARGLE: BEG THE COURT'S INDULGENCE.

24 THE COURT: YES, MA'AM.

25 (WHEREUPON THERE WAS A PAUSE.)



1 BY MRS. MAGARGLE:

2 Q ALL RIGHT. DID YOU FILL OUT THIS APPLICATION OR DID  
3 SOMEONE ELSE FILL IT OUT FOR YOU?

4 A SOMEONE HAD HELPED ME FILL IT OUT.

5 Q ALL RIGHT. BUT DID YOU LOOK AT IT?

6 A YES, MA'AM.

7 Q OKAY. SO YOU KNOW WHAT IT SAYS?

8 A YES, MA'AM.

9 Q I MEAN, I GUESS YOU GAVE THEM DATES?

10 A YES, MA'AM.

11 Q OKAY. BECAUSE ACCORDING TO YOUR APPLICATION -- I  
12 MEAN, YOU JUST TESTIFIED THAT YOU ASKED HIM TO DO IT AFTER  
13 THE SENTENCE. BUT ACCORDING TO YOUR APPLICATION, YOU SAID  
14 THAT YOU ASKED HIM TO APPEAL THE GUILTY VERDICT ON 9-25,  
15 WHICH WOULD HAVE BEEN AFTER THE TRIAL.

16 A YEAH. I -- I MADE A MISTAKE THEN.

17 Q OH, OKAY.

18 A YES, MA'AM.

19 Q OKAY.

20 MRS. MAGARGLE: THANK YOU, YOUR HONOR. NO  
21 FURTHER QUESTIONS.

22 THE COURT: ALL RIGHT. MR. BROOKS?

23 MR. BROOKS: NO OTHER QUESTIONS, JUDGE.

24 THE COURT: THANK YOU. MR. SINGLETON, YOU CAN  
25 STEP DOWN.

1 THE WITNESS: YES, SIR.

2 (WHEREUPON THE WITNESS LEFT STAND).

3 MR. BROOKS: JUDGE, WE WOULD CALL STEVE MCKENZIE  
4 TO THE STAND.

5 THE COURT: MR. MCKENZIE, COME FORWARD, PLEASE,  
6 AND BE SWORN.

7 STEVE MCKENZIE, AFTER  
8 BEING DULY SWORN, TESTIFIED AS FOLLOWS:

9 MR. BROOKS: JUDGE, WE WOULD ASK FOR PERMISSION  
10 TO LEAD.

11 THE COURT: YES, SIR. ONCE AGAIN, RULE 611 IS  
12 APPLICABLE THAT WILL ALLOW YOU TO LEAD.

13 DIRECT EXAMINATION

14 BY MR. BROOKS:

15 Q MR. MCKENZIE, YOU REPRESENTED MR. SINGLETON IN THIS  
16 MATTER, THIS CRIMINAL MATTER?

17 A I DID.

18 Q AND WHEN DID YOU GET INVOLVED IN THIS CASE?

19 A LOOK BACK IN MY FILE. I DON'T RECALL THE SPECIFIC  
20 DATE, BUT I THINK I HAVE ON MY NOTES -- I BELIEVE IT WAS  
21 IN SEPTEMBER BEFORE. AND THE REASON I SAY THAT, I PULL IT  
22 OUT OF A LEGAL PAD AND I CAN SEE A NINE UP HERE ON THE TOP  
23 WHEN I TOOK MY INITIAL INTERVIEW WITH HIM OR TALKED WITH  
24 HIM, SEPTEMBER BEFORE THE TRIAL.

25 Q OKAY.

1 A SO THAT WOULD HAVE BEEN SEPTEMBER OF 2003, I BELIEVE.

2 Q AND THE TRIAL TOOK PLACE I BELIEVE SEPTEMBER 23<sup>rd</sup>?

3 A I'M SORRY. SEPTEMBER 23<sup>rd</sup> WOULD HAVE BEEN THE  
4 TRIAL, I BELIEVE. AND THEN THE SENTENCING WOULD HAVE BEEN  
5 FEBRUARY.

6 Q TWENTY-SIXTH?

7 A 2004.

8 Q FEBRUARY 26<sup>th</sup>?

9 A RIGHT. SO I DIDN'T GET INVOLVED IN THE CASE WITH  
10 ARTHUR UNTIL RIGHT BEFORE THE TRIAL. AND THE REASON FOR  
11 THAT WAS BECAUSE I BELIEVE ARTHUR WAS -- HAD BEEN ON A  
12 BENCH WARRANT PRIOR AND HAD HIRED SOMEONE ELSE TO HAVE HIM  
13 REMOVED FROM THE BENCH WARRANT OR HAVE THE BENCH WARRANT  
14 LIFTED.

15 AND HE CAME TO ME TRYING TO STALL FOR SOME TIME TO  
16 TRY TO, YOU KNOW, GET THE CASE ON FURTHER DOWN THE ROAD  
17 BEFORE HE HAD TO ACTUALLY DO ANYTHING. AND I TOLD HIM AT  
18 THAT TIME, I SAID, LISTEN, ALL I CAN DO IS GO TRY AND GET  
19 A CONTINUANCE.

20 THE BEST I CAN DO IS ASK, YOU KNOW, MAYBE THEY WILL  
21 CONTINUE IT, MAYBE NOT, BUT THAT'S UP TO THE SOLICITOR'S  
22 OFFICE. I TELL ALL MY CLIENTS, THEY CALL THE CASES FOR  
23 TRIAL, ALL I CAN DO IS RESPOND AND BE THERE WHENEVER  
24 THEY -- THEY DO THAT.

25 ARTHUR AND I CAME TO A COMBINATION (SIC) ON THE

1 MONEY. HE DID NOT PAY ME ALL OF THE MONEY HE OWED ME  
2 FOR -- TO TRY THE CASE, BUT HE HAD PAID ME SOME PRIOR TO  
3 THE TRIAL ITSELF. AND AS ARTHUR TOLD YOU, I CALLED HIM  
4 AND TOLD HIM THAT THE TRIAL WAS COMING UP, AND HE  
5 COULDN'T -- HE WOULDN'T COME TO COURT.

6 Q SO YOU NEVER TOLD HIM THAT YOU WOULD GUARANTEE HIM A  
7 CONTINUANCE?

8 A NO. I TOLD HIM THE SOLICITOR'S OFFICE IS -- WAS IN  
9 CHARGE OF WHETHER OR NOT CONTINUANCES -- THEY WERE IN  
10 CHARGE OF CALLING THE CASES FOR TRIAL, COURT WAS IN CHARGE  
11 OF GRANTING CONTINUANCES.

12 I MADE A MOTION AT THE TRIAL FOR A CONTINUANCE. ALSO  
13 MADE A MOTION FOR A COMPETENCY EVALUATION BECAUSE AT THE  
14 TIME ARTHUR AND I WERE HAVING DISCUSSIONS OVER THE  
15 TELEPHONE, HE WOULD CALL ME. I COULDN'T CALL HIM BECAUSE  
16 THE -- MY CELLPHONE -- HE HAD MY CELLPHONE NUMBER.

17 BUT WHEN IT CAME UP ON THE CELLPHONE, THE CALLER ID,  
18 IT WOULD SAY, PRIVATE NUMBER. AND SO I COULD NEVER CALL  
19 HIM. SO ARTHUR ALWAYS CALLED ME AND I WOULD TELL HIM WHAT  
20 WAS GOING ON OR APPRISE HIM OF WHAT'S GOING ON IN THE  
21 TRIAL.

22 AND SO DURING THE TRIAL I ALMOST DID EVERYTHING BUT  
23 BEG HIM TO COME TO TRIAL, BECAUSE I FELT LIKE IF HE WOULD  
24 HAVE COME TO TRIAL, WE WOULD HAVE WON THE CASE.

25 Q OKAY. AND SUBSEQUENT -- WELL, AFTER THE TRIAL, THE

1 GUILTY VERDICT, YOU GUYS CAME BACK IN FEBRUARY WHEN JUDGE  
2 KING UNSEALED THE SENTENCE?

3 A RIGHT.

4 Q DID YOU AT ANY TIME AFTER THAT MAKE A MOTION TO  
5 RECONSIDER THE SENTENCE?

6 A I DID NOT.

7 Q AND AS FAR AS HIS APPEAL, DID YOU EVER FILE AN  
8 APPEAL?

9 A I DID NOT FILE AN APPEAL.

10 Q OKAY.

11 MR. BROOKS: BEG THE COURT'S INDULGENCE, YOUR  
12 HONOR.

13 THE COURT: THANK YOU.

14 (MR. BROOKS CONFERRING WITH CLIENT.)

15 MR. BROOKS: NO OTHER QUESTIONS, JUDGE.

16 THE COURT: THANK YOU. MRS. MAGARGLE?

17 MRS. MAGARGLE: THANK YOU, YOUR HONOR. JUST  
18 BRIEFLY.

19 CROSS-EXAMINATION

20 BY MRS. MAGARGLE:

21 Q MR. MCKENZIE, IF HE HAD ASKED YOU TO FILE AN APPEAL,  
22 WOULD YOU HAVE DONE SO?

23 A I WOULD HAVE. AND MY PROCEDURE HAS BEEN -- AND I  
24 HAVE DONE THIS BEFORE -- I HAVE HAD CLIENTS WHO HAVE BEEN  
25 FOUND GUILTY, I WOULD HAVE SENT A NOTICE OF INTENT TO

1 APPEAL AND THEN SENT ALL THE -- COURT ALL THE  
2 INFORMATION -- THE OFFICE OF INDIGENT DEFENSE -- WHICH I  
3 WOULD HAVE DONE IN HIS CASE, TOO.

4 I -- I DO RECALL HAVING A DISCUSSION WITH ARTHUR  
5 AFTER THE CASE. HE DID NOT ASK ME TO APPEAL. WE MAY HAVE  
6 DISCUSSED THE APPEAL, BUT IT WAS ONLY TO THE STANDPOINT  
7 OF, ARTHUR, I DON'T THINK YOU HAVE A CASE TO APPEAL  
8 BECAUSE YOU DIDN'T SHOW UP FOR TRIAL, AND IF YOU DON'T  
9 SHOW UP FOR TRIAL, IT'S KIND OF DIFFICULT FOR ME TO -- FOR  
10 THERE TO BE ANY EVIDENCE REALLY TO APPEAL ON.

11 AGAIN, GOING BACK TO THE -- ONE OF THE JURORS  
12 ACTUALLY TOLD ME AT THE TRIAL, AFTER THE TRIAL, THAT HAD  
13 YOUR CLIENT SHOWN UP AND JUST SAID ANYTHING, WE WOULD HAVE  
14 PROBABLY ACQUITTED HIM. THIS WAS A TRIAL IN ABSENCE AND  
15 THE JURY WAS OUT TWO HOURS.

16 AND I -- THAT'S WHY I -- I DISCUSSED IT WITH THE  
17 JURORS AFTERWARDS. AND I WAS VERY DISAPPOINTED. I --  
18 LIKE I SAID, I HAD TO TALK TO ARTHUR ACTUALLY AT ONE OF  
19 THE BREAKS DURING THE TRIAL TRYING TO GET HIM TO COME UP  
20 TO THE COURTHOUSE.

21 AND, YOU KNOW, AND HE WAS -- HE WAS VERY SCARED. I  
22 WILL BE HONEST WITH YOU. HE WAS VERY SCARED AND  
23 INTIMIDATED BY THE SYSTEM. BUT HE HAD HAD A PRIOR  
24 CONVICTION FOR CRACK COCAINE, SO HE WAS NO STRANGER TO IT.  
25 BUT HE WAS SCARED OF THE TRIAL AND JUST SAID, I JUST CAN'T



1 DO IT, I CAN'T COME UP THERE.

2 AND I SAID, ARTHUR, I PROMISE YOU, IF YOU COME UP  
3 HERE, I THINK THIS JURY WILL DO THE RIGHT THING. AND HE  
4 JUST WOULDN'T COME UP THERE. AND THE CASE WAS A -- A  
5 SITUATION WHERE I FELT LIKE ARTHUR WAS JUSTIFIED IN WHAT  
6 HAPPENED IN THE SITUATION.

7 IT WAS A ASSAULT AND BATTERY WITH INTENT TO KILL  
8 WHERE TWO PEOPLE WERE WOUNDED AND THE USE OF A WEAPON  
9 DURING A VIOLENT CRIME. AND I FELT LIKE IF ARTHUR WOULD  
10 HAVE SHOWN UP AND TOLD HIS SIDE OF THE STORY, THE JURY  
11 WOULD HAVE ACQUITTED HIM, AND THAT'S THE -- THAT'S THE  
12 INFORMATION I GOT FROM THE JURORS.

13 THE GUY THAT WAS SHOT WAS BASICALLY A STREET THUG AND  
14 A DRUG DEALER AND HAD BEEN HARASSING ARTHUR PRIOR TO THIS,  
15 AND ARTHUR WAS BASICALLY DEFENDING HIMSELF. AND HAD HE  
16 SHOWN UP AND GIVEN HIS SIDE OF THE STORY -- I JUST DIDN'T  
17 HAVE A STORY TO TELL, DIDN'T HAVE ANYBODY TO TELL IT.

18 SO ALL I COULD DO IS CROSS-EXAMINE THE WITNESSES THEY  
19 PRESENTED. THEY PRESENTED TWO WITNESSES. AND LIKE I  
20 SAID, ON TWO WITNESSES, THE JURY, IT TOOK THEM TWO HOURS  
21 TO DELIBERATE ON A TIA, A TRIAL IN ABSENCE.

22 AND SO I FELT LIKE WE DID -- THAT I DID DO THE BEST  
23 JOB I COULD. I JUST DIDN'T HAVE ANYTHING -- THERE WASN'T  
24 ANY EVIDENCE TO -- TO APPEAL. AND IF ARTHUR AND I  
25 DISCUSSED THE APPEAL, THAT'S WHAT I WOULD HAVE TOLD HIM,

1 BUT HE NEVER ASKED ME TO APPEAL.

2 Q AND AGAIN, YOUR TESTIMONY IS IS THAT OBVIOUSLY YOU  
3 TRIED TO GET MR. SINGLETON TO COME TO COURT AND HE REFUSED  
4 TO COME TO COURT?

5 A I BEGGED HIM TO COME TO COURT.

6 MRS. MAGARGLE: THANK YOU, YOUR HONOR. THAT'S  
7 ALL I HAVE.

8 THE COURT: THANK YOU. REDIRECT, MR. BROOKS?

9 MR. BROOKS: NONE, YOUR HONOR.

10 THE COURT: THANK YOU. MR. MCKENZIE, YOU CAN  
11 STEP DOWN.

12 THE WITNESS: THANK YOU, YOUR HONOR.

13 (WITNESS LEFT THE STAND).

14 THE COURT: MR. BROOKS?

15 MR. BROOKS: JUDGE, THAT -- WE DON'T HAVE ANY  
16 OTHER WITNESSES. I WOULD LIKE TO CLOSE AND SAY THAT  
17 OBVIOUSLY MY CLIENT---

18 THE COURT: LET ME MAKE SURE SHE DOESN'T HAVE  
19 ANY OTHER WITNESSES AND THEN I WILL HEAR FROM YOU.  
20 MRS. MAGARGLE, ANYTHING FROM THE STATE?

21 MRS. MAGARGLE: NO, YOUR HONOR.

22 THE COURT: NOW MR. BROOKS.

23 MR. BROOKS: SORRY, JUDGE. THAT'S -- KIND OF  
24 KNOWING THE AG'S OFFICE IS GOING TO DO AND WHAT THEY  
25 ARE NOT GOING TO DO.

1           THE COURT: AND I HAD A PRETTY GOOD IDEA MYSELF,  
2 BUT I WANTED WITH IT ON THE RECORD.

3           MR. BROOKS: BUT IN CLOSING, THE ISSUES IN  
4 REGARDS TO LACK OF MOTION FOR RECONSIDERATION BEING  
5 FILED AND LACK OF AN APPEAL BEING FILED, AND IF  
6 ANYTHING, MY CLIENT IS STILL AS -- HAS THE RIGHT TO  
7 AN APPEAL, HAS A RIGHT.

8           AND AS SUCH, WE WOULD AT LEAST ALLOW -- ASK THE  
9 JUDGE TO ALLOW THAT TO OCCUR SHOULD THE COURT IN  
10 LIGHT OF MY CLIENT ADMITTING THAT HE DIDN'T SHOW AND  
11 WAS SCARED.

12          THE COURT: RIGHT.

13          MR. BROOKS: IN LIGHT OF THE JUDGE -- IN LIGHT  
14 OF THE COURT PERHAPS DENYING HIS POST-CONVICTION  
15 RELIEF IN -- AS IT AFFECTS THE TRIAL COUNSEL, BUT AS  
16 FAR AS GIVING HIM THE RIGHT TO HAVE HIS APPEAL HEARD,  
17 WE'D APPRECIATE THAT.

18          THE COURT: THANK YOU, MR. BROOKS. MRS.  
19 MAGARGLE, ANYTHING FROM THE STATE?

20          MRS. MAGARGLE: YOUR HONOR, OBVIOUSLY I THINK  
21 THE RECORD SPEAKS FOR ITSELF. MR. MCKENZIE SAID IF  
22 HE HAD BEEN ASKED, HE WOULD HAVE FILED ONE. HE WAS  
23 NEVER ASKED TO FILE AN APPEAL. AND THEREFORE, WE'D  
24 ASK THAT THE WHOLE APPLICATION BE DISMISSED.

25          THE COURT: THANK YOU. ONCE AGAIN, LADIES AND

1 GENTLEMEN, I WILL TAKE THIS MATTER UNDER ADVISEMENT,  
2 WILL ADVISE BOTH SIDES OF MY RULING IN THIS REGARD  
3 WITHIN TWO WEEKS BY JOINT LETTER. THE PREVAILING  
4 PARTY WILL BE ASKED TO PREPARE AN APPROPRIATE ORDER.  
5 THANK YOU.

6 MR. BROOKS: THANK YOU, JUDGE.

7 THE COURT: THANK YOU.

8 (END OF REQUESTED TRANSCRIPT OF RECORD.)  
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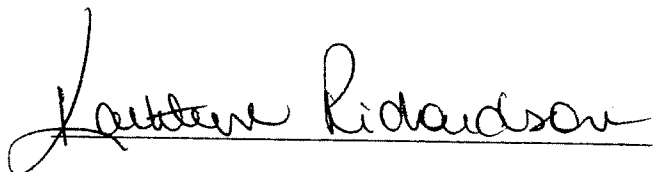
CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA )  
COUNTY OF SUMTER )

I, KATHLEEN RICHARDSON, RPR, OFFICIAL COURT REPORTER FOR THE THIRD JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE AND COMPLETE TRANSCRIPT OF RECORD OF THE PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE TRIAL OF THE CAPTIONED CASE, RELATIVE TO APPEAL, IN THE COURT OF COMMON PLEAS FOR SUMTER COUNTY, SOUTH CAROLINA, ON THE SIXTH DAY OF OCTOBER, 2005.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN, COUNSEL NOR INTEREST TO ANY PARTY HERETO.

APRIL 28, 2006



KATHLEEN RICHARDSON, RPR

STATE OF SOUTH CAROLINA **RECORDED**

COUNTY OF SUMTER

2006 MAR 17

IN THE COURT OF COMMON PLEAS  
THIRD JUDICIAL CIRCUIT

JAMES L. CAMPBELL  
CLERK OF COURT  
SUMTER COUNTY, S.C.

04-CP-43-501

Arthur Singleton, 300109,

Applicant,

v.

State of South Carolina,

Respondent.

**ORDER OF DISMISSAL  
WITH PREJUDICE**

*Charles Brooks, Esq. appearing for the Applicant.*

*Paula S. Magargle, Esq., Assistant Attorney General, appearing for the Respondent.*

This is a post-conviction relief (PCR) matter. The Applicant alleges in his PCR application filed April 16, 2004, that he is being held in custody unlawfully due to the ineffective assistance of trial counsel. An evidentiary hearing was convened at the Sumter County Courthouse on October 6, 2005.

### I. PROCEDURAL BACKGROUND

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Sumter County. The Applicant was indicted at the January 2000 term of the Court of General Sessions for Sumter County for two (2) counts assault and battery with intent to kill (ABWIK) and possession of a firearm during the commission of a crime of violence (00-GS-43-134). He was represented by Steve McKenzie, Esquire. On September 23, 2003, the Applicant was tried in his absence and he was found guilty



as indicted. The Honorable Clifton Newman was the trial judge and issued a sealed sentence. On February 26, 2004, the Honorable Howard P. King unsealed the sentence and order the Applicant to confinement for a period of twelve (12) years for one count of ABWIK, seven (7) years for the other count of ABWIK concurrent, and five (5) years for Possession of a firearm concurrent. Applicant did not file an appeal.

## II. APPLICABLE LAW

### a. Ineffective Assistance of Trial Counsel

In a post-conviction relief action, the Applicant has the burden of proving the allegations in the application. Rule 71.1(e), SCRPC; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985).

Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052 (1984); Butler v. State.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Butler v. State. The Applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

The courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry v. State, 300 S.C. at 117, 385 S.E.2d at 625, citing Strickland. Second, counsel's

deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry v. State; Johnson v. State, 325 S.C. 182, 480 S.E.2d 733 (1997).

### III. SUMMARY OF TESTIMONY PRESENTED AT THE PCR EVIDENTIARY HEARING, FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Applicant and the Applicant's former trial counsel, Steve McKenzie, testified at the PCR evidentiary hearing.

The Court has reviewed the testimony presented at the evidentiary hearing, observed the witnesses presented at the hearing, passed upon their credibility, and weighed the testimony accordingly. Further, this Court reviewed the Clerk of Court records regarding the subject conviction, the Applicant's records from the South Carolina Department of Corrections, the application for post-conviction relief, the transcripts and documents from the prior proceedings, and legal arguments of counsel. Pursuant to S.C. Code Ann. § 17-27-80 (1985), this Court makes the following findings of fact based upon all of the probative evidence presented.

#### **Allegation of ineffective assistance of counsel for failing to get a continuance.**

The Applicant testified that trial counsel was ineffective for failing to get a continuance in his case. Applicant testified that he did not show up for his trial because counsel told him he would get a continuance. Applicant further testified that he did not show up for trial because he was scared. On cross-examination, Applicant admitted that he was in contact with counsel throughout the trial.

Counsel testified that he called Applicant and informed Applicant that his case was

coming up for trial and Applicant would not come to court. Counsel further testified that he never guaranteed Applicant that he could get a continuance in his trial. Counsel also testified that he spoke with Applicant throughout the trial and begged Applicant to come to court for the trial but that Applicant refused to come to court. Counsel testified that he believes that if Applicant had come to court that he would have been acquitted but that it was Applicant's decision not to come to court even though counsel begged Applicant.

This Court finds that trial counsel's testimony was credible and the Applicant's testimony was not credible. This Court further finds that the Applicant failed to carry his burden to show that trial counsel's representation fell below the standard of professional reasonableness for a criminal defense attorney in this regard. Strickland v. Washington; Cherry v. State. This was a matter of trial strategy and not ineffective assistance of counsel. Where counsel articulates a valid strategic reason for his action or inaction, counsel's performance should not be found ineffective. Roseboro v. State, 317 S.C. 292, 454 S.E.2d 312 (1996). This allegation of ineffective assistance of counsel is denied.

However, even if Applicant has proven the first prong of the Strickland test that his counsel's representation was deficient for failing to get a continuance, he must further prove the second prong and that is because of this deficiency there is reasonable probability that counsel's deficient conduct prejudiced the outcome of Applicant's trial. This Court finds that the Applicant has failed to prove the second element of Strickland requiring prejudice. Therefore, Applicant has failed to show prejudice. This allegation of ineffective assistance of counsel is denied.

**Allegation of ineffective assistance of counsel for failing to file an appeal.**

The Applicant testified that trial counsel failed to file a notice of intent to appeal on

Applicant's behalf. Applicant admitted that the sentencing judge advised him of his right to appeal. Counsel testified that Applicant never asked him to appeal his case. Counsel further testified that if he had been asked to file an appeal he would have filed the notice.

This Court finds that trial counsel's testimony was credible and the Applicant's testimony was not credible. This Court further finds that the Applicant failed to carry his burden to show that trial counsel's representation fell below the standard of professional reasonableness for a criminal defense attorney in this regard. Strickland v. Washington; Cherry v. State. This was a matter of trial strategy and not ineffective assistance of counsel. Where counsel articulates a valid strategic reason for his action or inaction, counsel's performance should not be found ineffective. Roseboro v. State, 317 S.C. 292, 454 S.E.2d 312 (1996). This allegation of ineffective assistance of counsel is denied.

However, even if Applicant has proven the first prong of the Strickland test that his counsel's representation was deficient for failing to file a notice of intent to appeal, he must further prove the second prong and that is because of this deficiency there is reasonable probability that counsel's deficient conduct prejudiced the outcome of Applicant's trial. This Court finds that the Applicant has failed to prove the second element of Strickland requiring prejudice. Therefore, Applicant has failed to show prejudice. This allegation of ineffective assistance of counsel is denied.

#### Miscellaneous allegations

As to any and all allegations which were or could have been raised in the application or at

the hearing in this matter, but were not specifically addressed in this Order, this Court finds that the Applicant failed to present any probative evidence regarding such allegations. Accordingly, this Court finds that the Applicant waived such allegations and failed to meet his burden of proof regarding them. Accordingly, they are dismissed with prejudice.

### CONCLUSION

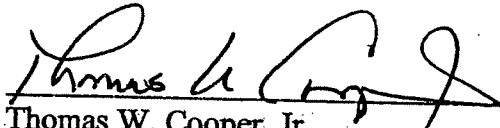
This Court finds and concludes that the Applicant has not established any constitutional violations or deprivations that would require this court to grant his application. Therefore, this application for post conviction relief must be denied and dismissed with prejudice.

### Applicant's Right to Appeal

Pursuant to *Austin v. State*, 305 S.C. 453 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Appellate counsel is required to brief arguable issues in order to safeguard the right to appeal. Rule 71.1(g), SCRPC, provides that if the applicant wishes to seek appellate review, PCR counsel must file a Notice of Appeal on the Applicant's behalf. The Court advises the Applicant and his attorney of record that any Notice of Appeal must be filed within thirty (30) days of service of the signed copy. Your attention is directed to South Carolina Appellate Court Rule 227 for appropriate procedures on appeal.

**IT IS THEREFORE ORDERED THAT:**

1. The post-conviction relief application is **DENIED**.
2. The Court advises the Applicant and his attorney of record that any Notice of Appeal must be filed within thirty (30) days of service of the signed copy. Your attention is directed to South Carolina Appellate Court Rule 227 for appropriate procedures on appeal.
3. The Applicant is remanded to the custody of the Respondent for the completion of his sentence.

  
Thomas W. Cooper, Jr.  
Presiding Judge, Third Judicial Circuit

Manning, South Carolina  
March 14, 2006.

STATE OF SOUTH CAROLINA  
COUNTY OF SUMTER  
IN THE COURT OF COMMON PLEAS

RECORDED  
2006 MAR 17 AM 11:15  
JAMES H. BELL  
CLERK OF COURT  
SUMTER COUNTY, S.C.

ARTHUR SINGLETON, 300109,

Applicant,

v.

STATE OF SOUTH CAROLINA,

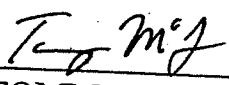
Respondent.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of the Return to Motion to Supplement Appendix has been served upon the applicant by mailing one (1) copy in the United States mail, postage prepaid, addressed to:

Charles Brooks, III, Esquire  
309 Broad St.  
Sumter, SC 29150

This 16th day of March, 2006.

  
TOMMY MCGRATH  
LEGAL ASSISTANT



CMTI330D SCD C OFFENDER MANAGEMENT SYSTEM 06/23/04  
OMCOMITA RELEASE DATE SCREEN BUFFS  
SCDC# > 300109 LOC: EVANS  
SINGLETON, ARTHUR L. SCD C CLASSIFICATION...: VIOLENT  
OFFENDER TYPE...: ADULT-STRAIGHT SENTENCE SEXUAL PREDATOR...: NOT APP  
DNA STATUS...: COMPLETED  
TOTAL SENTENCE...: 012-00-000 CONSECUTIVE SENTENCE ...: N  
CURRENT SENTENCE: 012-00-000 CURRENT SENT START DATE: 02/21/2004  
PROJECTED COMPLETION DATES  
MAXOUT DATE .....: 05/01/2014 CURRENT EWC ..: 3 F 5  
YOA SIX YEAR DATE: / / CURRENT EEC ..: NOT CURRENTLY EARNING EEC  
INITIAL PAROLE DATE: 05/03/2014 NEXT PAROLE HEARING DATE: 05/03/2014  
  
TOTAL GT DAYS EARNED .....: 000000 LABOR CREW/WORK PROG DATE: 99/99/9999  
TOTAL EARNED WORK CREDITS ...: 000029 LABOR CREW DISQ REASON:  
TOTAL EDUCATION CREDITS .....: 000000 OFFENSE > CAT 3  
TOTAL EXTRA EARNED CREDITS ..: 000  
TOTAL SERVICE TIME EARNED ...: 000122

PFKEYS: 5:HISTORY OF DATE CHANGES

4-0 1 Sess-1 167.7.50.33

TNET0284

3/11

## CLASSIFICATION SUMMARY REPORT DATED 06/23/04

SCDC# 300109 SINGLETON, ARTHUR L.  
 OFFENDER TYPE.: ADULT-STRAIGHT SENTENCE  
 INSTITUTION ... EVANS CORR INST  
 SECURITY/CUST.: 3 MINIMUM IN  
 TOT INCARC SENT..... 12 YRS 0 MOS 0 DYS  
 CENTRAL MONITORING.: NO  
 MED CLASS: 1 NO MED PROB/NO WORK RESTRICT  
 MENTAL CLASS: NMH (NO MENTAL HEALTH TRE  
 CURRENT PROGRAM... NO CURRENT PROGRAM  
 AGE... 21

BUFFS  
 FBI# 113667RB2

DORM..... 1A0270A  
 PROJ MAXOUT DATE: 05/01/2014  
 PROJ PAROLE DATE: 05/03/2014  
 EWC JOB... CUSTODIAL WORKER  
 EDUC PGK... NO CURR EDUC PROGRAM  
 EWC LEVEL: 3F5 EEC LEVEL:  
 ASSIGNMENT... BLDING DETAIL BLDG.

## PREVIOUS NUMBERS:

\*\* NO PREVIOUS NUMBERS \*\*

CURRENT OFFENSES	SENTENCE			COUNTY	SENTENCE	START	V/NV	CAT	INDICT
	YRS	MOS	DYS						
CRACK POSSESS	3	0	0	SUMTER		02/26/2004	N	2	01GS43-497
FIREARMS PROVISION	5	0	0	SUMTER		02/21/2004	N	3	00GS43134
ASSLT & BATT W/INTNT KILL	7	0	0	SUMTER		02/21/2004	V	4	00GS43134
ASSLT & BATT W/INTNT KILL	12	0	0	SUMTER		02/21/2004	V	4	00GS43134

PRIOR COMMITMENTS OVER 90 DAYS:

\*INMATE HAS NO PRIORS\*

## DETAINEES (HOLD, WANTED, NOTIFY):

DETAINEES	NOTIFY	OPEN ARREST NOTIFICATION	CATEG
BURGLARY	NOTIFY	OPEN ARREST NOTIFICATION	4
ASSLT & BATT W/INTNT KILL	NOTIFY	OPEN ARREST NOTIFICATION	4
BURGLARY-2ND DEG/NON-VIO	WANTED	JUDGE KING, H	3
FAIL TO STOP FOR OFFICER	WANTED	PRESIDING JUDGE	2

## ESCAPES:

\*NO ESCAPE HISTORY\*

## CRIMINAL CHARGES:

\*NO CRIMINAL CHARGES HISTORY\*

## ASSAULTIVE DISCIPLINARIES:

\*NO ASSAULTIVE DISCIPLINARY HISTORY\*

## NON-ASSAULTIVE DISCIPLINARIES:

\*NO NON-ASSAULTIVE DISCIPLINARY HISTORY\*

## HISTORY OF MOVEMENTS:

DATE	LOCATION	INCARCERATED	ADMINISTRATIVE
03/17/04	EVANS	INCARCERATED	ADMINISTRATIVE
03/01/04	KIRKLAND	INCARCERATED	NEW ADMISSION

## HISTORY OF EARNED WORK CREDIT ASSIGNMENTS:

JOB	START	END	TERMINATION	JOB
DESCRIPTION	DATE	DATE	REASON	LVL
CUSTODIAL WORKER	03/18/04	00/00/00		3F5

## HISTORY OF EARNED EDUCATION CREDITS:

EEC	START	END	TERMINATION
DESCRIPTION	DATE	DATE	REASON

\*NO SCHOOL ASSIGNMENTS\*

\*\*\*\*\* END OF REPORT \*\*\*\*\*

COUNTY OF Sumter  
STATE VS.DEPUTY CLERK  
SUMTER COUNTY  
SOUTH CAROLINA

INDICTMENT/CASE#:

Arthur L. Singleton-GS- 43 - 134AKA: \_\_\_\_\_  
Race: B Sex: M Age: 30  
DOB: [REDACTED] SS#: [REDACTED]  
Address: [REDACTED]  
City, State, Zip: [REDACTED]  
DL# \_\_\_\_\_ SID# \_\_\_\_\_A/W#: D-762309  
Date of Offense: 10-2-99  
S.C. Code §: 16-3-620  
CDR Code #: 0101114  
☐ CASE RESTORED  
SENTENCE  
☐ PLEA ☒ TRIALIn disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Assault & Battery with intent to kill - Count 2in violation of § \_\_\_\_\_ of the S.C. Code of Laws, bearing CDR Code # 0101114☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ 17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature]  
Solicitor

Defendant

Steve McKenzie  
Attorney for DefendantWHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,  
for a determinate term of 12 days/months/years or ☐ under the Youthful Offender Act not to exceed \_\_\_\_\_ years  
and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and/or payment  
of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_  
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions  
of probation, which are incorporated by reference.☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: \_\_\_\_\_☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied  
by the State Department of Corrections.

## SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_

☐ set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

\*Fine: \$ \_\_\_\_\_

§14-1-206 (Assessments 107.5%)	\$
§14-1-211(A)(1) (Surcharge)	\$ <u>100.00</u>
§14-1-211(A)(2) (Surcharge)	\$
§56-5-2995 (DUI Assessment)	\$
§73.3, 1B TP (Law Enforce. Funding)	\$ <u>25.00</u>
§33.7, 1B TP (Drug Court Surcharge)	\$
§50-21-114(BUI Breath Test Fee)	\$
§56-5-2942(J) (Vehicle Assessment)	\$
3% to County (if paid in installments)	\$ <u>3.75</u>
TOTAL	\$ <u>128.75</u>

PTUP ☐ RESTITUTION ☐ Heard ☐ Waived ☐ Ordered  
\_\_\_\_\_ days/hours Public Service Employment

Obtain GED \_\_\_\_\_

Attend Voc. Rehab. or Job Corp. \_\_\_\_\_

May serve W/E beginning \_\_\_\_\_

Substance Abuse Counseling \_\_\_\_\_

Random Drug/Alcohol \_\_\_\_\_

Testing \_\_\_\_\_

Fine may be pd. in equal, consecutive weekly/monthly  
pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_

\$ \_\_\_\_\_ paid to Public Defender Fund

Other: \_\_\_\_\_

☐ Appointed PD or appointed other counsel, \$35.13 TF  
Requires \$500 be paid to Clerk during probation.PRESIDING JUDGE C. NeumanJudge Code: 0111217Sentence Date: 09-25-03Court Reporter: Margaret Sullivan

Clerk of Court/ Deputy Clerk

White - Clerk Green - Corrections Canary - Probation

Pink - Defendant

SCCA/217 (6/2003)

Sealed Sentence entered by Judge Howard P. King, read to defendant 022604 (H. M. White)

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

67

COUNTY OF Sumter

STATE

VS.

CERTIFIED TRUE COPY  
OF ORIGINAL FILED

INDICTMENT/CASE#:

Arthur L. Singleton

DEPUTY CLERK OF COURT

SUMTER COUNTY

SOUTH CAROLINA

AKA:

Race: B Sex: M Age: [REDACTED]DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: [REDACTED]DL# [REDACTED] SID# [REDACTED]

-GS-

43134

D-

769310

Date of Offense:

10-2-99

S.C. Code §:

16-3-620

CDR Code #:

0 1 0 1 1 4☐ CASE RESTORED

SENTENCE

☐ PLEA☒ TRIALIn disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Assault & Battery with intent to Kill - Count onein violation of § 16-3-620 of the S.C. Code of Laws, bearing CDR Code # 0 1 0 1 1 4☐ NON-VIOLENT☒ VIOLENT☐ SERIOUS☒ MOST SERIOUS☐ 17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 7 days/months/years or ☐ under the Youthful Offender Act not to exceed \_\_\_\_\_ years and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and/or payment of \$ \_\_\_\_\_; plus costs and assessments as applicable\*, the balance is suspended with probation for \_\_\_\_\_ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: Count 2☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

## SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_

Payment Terms:

☐ set by SCDPPPS

Recipient:

\*Fine: \$ \_\_\_\_\_

\$14-1-206 (Assessments 107.5%)	\$
\$14-1-211(A)(1) (Surcharge)	\$ <u>100.00</u>
\$14-1-211(A)(2) (Surcharge)	\$
\$56-5-2995 (DUI Assessment)	\$
\$73.3, 1B TP (Law Enforce. Funding)	\$ <u>25.00</u>
\$33.7, 1B TP (Drug Court Surcharge)	\$
\$50-21-114(BUI Breath Test Fee)	\$
\$56-5-2942(J) (Vehicle Assessment)	\$
3% to County (if paid in installments)	\$ <u>3.75</u>
TOTAL	\$ <u>128.75</u>

PTUP

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol

Testing

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ \_\_\_\_\_ beginning

\$ \_\_\_\_\_ paid to Public Defender Fund

Other: \_\_\_\_\_

☐ Appointed PD or appointed other counsel, \$35.13 TP  
Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code:

Sentence Date:

09-15-03

Court

Reporter: Margaret Sullivan

White - Clerk

Green - Corrections

Canary - Probation

Pink - Defendant

SCCA/217 (6/2003)

Sentence opened 12-26-01 by Judge King &amp; read to defendant. 16 Reg. Melissa Whitfield



COUNTY OF  
STATESumter

DEPUTY CLERK OF COURT

SUMTER COUNTY  
SOUTH CAROLINA

INDICTMENT/CASE#:

-GS- 43 134

AKA:

Race: BSex: MAge: [REDACTED]DOB: [REDACTED]SS#: [REDACTED]Address: [REDACTED]City, State, Zip: [REDACTED]DL# [REDACTED]SID# [REDACTED]Date of Offense: 10-2-99S.C. Code §: 16-23-490CDR Code #: 0-1-01-4-19☐ CASE RESTORED  
SENTENCE 0549☐ PLEA ☒ TRIALIn disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Possession of firearm during crime of violencein violation of § 16-23-490 of the S.C. Code of Laws, bearing CDR Code # 0549☒ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ 17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State

ATTEST:

W. Jason Corbett  
Solicitor

Defendant

Steve McKenzie  
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed \_\_\_\_\_ years and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and/or payment of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: Count 2☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

## SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

PTUP

Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_

Payment Terms:

☐ set by SCDPPPS

Recipient: \_\_\_\_\_

\*Fine: \$ \_\_\_\_\_

\$14-1-206 (Assessments 107.5%) \$ \_\_\_\_\_

\$14-1-211(A)(1) (Surcharge) \$ 100.00

\$14-1-211(A)(2) (Surcharge) \$ \_\_\_\_\_

\$56-5-2995 (DUI Assessment) \$ \_\_\_\_\_

\$73.3, 1B TP (Law Enforce. Funding) \$ 25.00

\$33.7, 1B TP (Drug Court Surcharge) \$ \_\_\_\_\_

\$50-21-114(BUI Breath Test Fee) \$ \_\_\_\_\_

\$56-5-2942(J) (Vehicle Assessment) \$ \_\_\_\_\_

3% to County (if paid in installments) \$ 3.75TOTAL \$ 128.75

\_\_\_\_\_ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp. \_\_\_\_\_

May serve W/E beginning \_\_\_\_\_

Substance Abuse Counseling \_\_\_\_\_

Random Drug/Alcohol

Testing \_\_\_\_\_

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_

\$ \_\_\_\_\_ paid to Public Defender Fund

Other: \_\_\_\_\_

☐ Appointed PD or appointed other counsel, \$35.13 TF  
Requires \$500 be paid to Clerk during probation.PRESIDING JUDGE C. J. WynnJudge Code: 01111111Sentence Date: 09-25-03

Clerk of Court/ Deputy Clerk

Court

Reporter: Margaret Sullivan

White - Clerk. Green - Corrections. Canary - Probation

Pink - Defendant

SCCA/217 (6/2003)

Sealed Sentence read &amp; read to by Judge H.P. King on 02-26-04 - CP Rep Melissa Wierfeld

CERTIFIED TRUE COPY  
OF ORIGINAL FILED

STATE OF SOUTH CAROLINA Sharon H. Dussan INDICTMENT FOR  
COUNTY OF SUMTER ) DEPUTY CLERK OF COURT  
SUMTER COUNTY )  
SOUTH CAROLINA )  
ASSAULT AND BATTERY WITH INTENT  
TO KILL (TWO COUNTS) AND POSSESSION OF  
FIREARM DURING COMMISSION OF CRIME OF VIOLENCE

At a Court of General Sessions, convened on January 10, 2000,  
the Grand Jurors of Sumter County present upon their oath:

COUNT ONE - ASSAULT AND BATTERY WITH INTENT TO KILL

That ARTHUR SINGLETON did in Sumter County on or about October 2, 1999, violate Section 16-3-620 of the Code of Laws of South Carolina (1976), as amended, in that he with malice aforethought, committed an assault and battery upon one [REDACTED] by shooting him with a firearm, with intent to kill the said [REDACTED].

COUNT TWO - ASSAULT AND BATTERY WITH INTENT TO KILL

That ARTHUR SINGLETON did in Sumter County on or about October 2, 1999, violate Section 16-3-620 of the Code of Laws of South Carolina (1976), as amended, in that he with malice aforethought, committed an assault and battery upon one [REDACTED] by shooting him with a firearm, with intent to kill the said [REDACTED].

COUNT THREE - POSSESSION OF FIREARM DURING COMMISSION  
OF CRIME OF VIOLENCE

That ARTHUR SINGLETON in Sumter County on or about October 2, 1999, was in possession of and did visibly display a firearm during the commission of a violent crime, to-wit: assault and battery with intent to kill, in violation of Section 16-23-490, Code of Laws of South Carolina (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

C. Kelly Jacobson  
SOLICITOR

WITNESSES

SUMTER PD

oger Baker

TOOKER

The State of South Carolina,

County of SUMTER

COURT OF GENERAL SESSIONS

JANUARY TERM 2000

THE STATE

VS.

ARTHUR SINGLETON

STEWART NO. D769309 (1&3)

CERTIFIED TRUE COPY  
OF ORIGINAL FILE  
DEPUTY CLERK OF COURT  
SUMTER COUNTY  
SOUTH CAROLINA

ACTION OF GRAND JURY

Due Bill

man of Grand Jury

Just M. Dick

VERDICT

ONE - Guilty

TWO - Guilty

THREE - Guilty

ALL THREE - Guilty 9-25-03

man of Petit Jury

Date:

Indictment for

ASSAULT AND BATTERY WITH INTENT  
TO KILL (TWO COUNTS) AND POSSESSION  
OF FIREARM DURING COMMISSION  
OF CRIME OF VIOLENCE



County of Sumter  
STATECERTIFIED TRUE COPY  
OF ORIGINAL FILED

IN THE CC OF GENERAL SESSIONS

INDICTMENT#:

VS.

AKA:

Race:

Sex:

DOB:

SSN:

SID#:

Sharon  
DEPUTY CLERK OF COURT  
SUMTER COUNTY  
SOUTH CAROLINA

01-GS-43-497

CWA# 01-43-03-0339

Name of Original Offense:

Conviction S.C. Code §:

Conviction CDR Code #:

Date of Original Offense:

Original Sentence:

## ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 04/03/03 in the Court of General Sessions of Sumter County as set forth in the attached warrant or citation dated 11/12/03. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special condition as provided in the affidavit) 1, 7, 9, 10

## Therefore, IT IS ORDERED that:

- ☒ the suspended sentence be revoked and the above named defendant be required to serve 3 months/years, the remainder of the original sentence, and/or pay \$ \_\_\_\_\_
- ☐ the suspended sentence be revoked and the above named defendant be required to serve \_\_\_\_\_ months/years of the original sentence and/or pay \$ \_\_\_\_\_; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- ☐ the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- ☐ probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- ☒ Additional Conditions ordered by the Court:

Terminate probation this date. To run concurrent with and 00-GS-43-134.

- ☒ The defendant is given credit for pre-arrest detention time on current probation violation to be calculated and applied by the SC Department of Corrections.

- ☒ The defendant has previously served 0 months/years on this sentence.  
(split sentence time and/or prior partial revocation time)

This 26 day of Feb, 2004  
Sumter, SC.

Presiding Judge

Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper; or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve all or part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the condition of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature

Witnessed by

Signed this

Day

Month

Year

City

STATE OF SOUTH CAROLINA

COUNTY OF Sumter

Probation

ARREST WARRANT

Indictment Number

01-GS-43-497

Warrant Number

W-43-03-0339

State Identification No. (SID) 1335665

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF Sumter, AND ANY CONSTABLE OF THIS MAGISTERIAL DISTRICT:

It appearing from the attached affidavit that there are reasonable grounds to believe that Arthur Lakiro Singleton, did on the 12th day of November, 2003 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

Violation of probation pursuant to 24-21-430.

Now, therefore, you are empowered and directed to arrest the said defendant and bring Arthur Lakiro Singleton before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable. Done at Sumter, S. C. this 12th day of November, 2003.

Eugenia L. Creech  
Signature of Probation and Parole Agent (L.S.)

County of Sumter

STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one Eugenia L. Creech, who, first being duly sworn, deposes and says that Arthur Lakiro Singleton did within this County and State on the 12th day of November, 2003, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE:

Violated condition numbers 1, 7, 9 and 10 as ordered in Cause Number 01-GS-43-497 in the Sumter County Court of General Sessions on 6/4/03.

The affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

- #1 - Failed to report having missed report on 9/17/03 and for 10/03. Offender last reported on 8/13/03.
- #7 - Failed to pay supervision fees being 3 payments, \$105.00, in arrears with a balance of \$905.00. Last paid on 8/13/03.
- #9 - Failed to pay surcharge being 3 payments, \$75.00, in arrears with a balance of \$100.00. No payment ever made.
- #10 - Failed to follow advice and instruction of the Agent inasmuch as offender failed to attend CADA. Offender was referred on 6/11/03 and missed appointment for 8/26/03.

Sworn to and Subscribed before me  
this 12 day of November, 2003.

Eugenia L. Creech  
Affiant

Jinda D. Howard (L.S.)  
Signature of Notary Public

Address: 115 N. Harvin Street  
Sumter, SC 29150  
803-778-5185

2-6-2013  
My Commission Expires

(Form Continues on Back)

INMATE RECORDS OFFICE  
2004 MAR -4 AM 9:52

RETURN

## STATE OF SOUTH CAROLINA

COUNTY OF

Sumter

Constable or Law Enforcement Officer

THE STATE  
againstCopy of this Arrest Warrant was delivered by me to the  
defendant:

Arthur Lakiro Singleton

## ARREST WARRANT

Offense: Violation of Probation

Offense Section: 24-21-430

Date: November 12, 2003

Officer and Agency: SC Department of Probation,  
Parole and Pardon Services.

Eugenia L. Creech

Disposition

Eugenia L. Creech

Signature of Judge

(L.S.)

Sentence

Co-Defendants

## INFORMATION ON DEFENDANT

Name Arthur Lakiro Singleton

Address

Phone

Sex

Male

Race

Black

Height

Weight

Birth date

Social Security Number

## INFORMATION ON WITNESSES

Name

Address

Phone

Name

Address

Phone

Name

Address

Phone

Name

Address

Phone

## PRELIMINARY HEARING held by

Magistrate

on

with

Attorney for the Defendant.

Decision

BAIL

Date Set

Magistrate

Amount

Surety

1 STATE OF SOUTH CAROLINA

2 COUNTY OF SUMTER

3 THE STATE OF SOUTH CAROLINA,  
4 THE PLAINTIFFS

5 V.

6 ARTHUR SINGLETON,  
7 DEFENDANT

8 TRIAL IN ABSENCE  
9 00-GS-43-134

10  
11  
12 SEPTEMBER 23, 2003  
13 SUMTER, S.C.  
14

15 BEFORE THE HONORABLE CLIFTON NEWMAN, JUDGE.

16  
17 A P P E A R A N C E S:

18 MR. WILLIAM JASON CORBETT,  
19 ASSISTANT SOLICITOR FOR THE STATE

20 MR. STEVEN SMITH MCKENZIE,  
21 ATTORNEY FOR DEFENDANT

22 MARGARET T. SULLIVAN,  
23 COURT REPORTER  
24  
25

	<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
1	JURY QUALIFIED	3			
2	JURY IMPANELED	6			
3	MOTION BY MR. MCKENZIE	8			
4	PRELIMINARY REMARKS	14			
5	OPENING STATEMENTS				
6	BY MR. CORBETT	15			
7	BY MR. MCKENZIE	17			
8	DEBORAH MATHIS				
9	BY MR. CORBETT	22			
10	LIONEL BRADLEY				
11	BY MR. CORBETT	26		41	
12	BY MR. MCKENZIE		32		
13	RONNETTE DAVIS				
14	BY MR. CORBETT	42		54	
15	BY MR. MCKENZIE		46		
16	<u>NO.</u>		<u>EXHIBITS</u>		<u>ID.</u>
17	C-1-3		BOND PAPERS		21
18	CLOSING STATEMENTS				
19	BY MR. CORBETT	56			
20	BY MR. MCKENZIE	60			
21	CHARGE TO THE JURY	66			
22	VERDICT OF THE JURY	78			

1 THE COURT: MR. CORBETT.

2 MR. CORBETT: YOUR HONOR, MAY IT PLEASE THE COURT.

3 THE COURT: YES, SIR.

4 MR. CORBETT: AT THIS TIME WE WOULD CALL THE CASE OF  
5 THE STATE OF SOUTH CAROLINA VERSUS ARTHUR L. SINGLETON.  
6 INDICTMENT 2000-GS-43-134. MR. SINGLETON HAVING BEEN  
7 INDICTED BY THE GRAND JURY OF SUMTER COUNTY FOR TWO COUNTS  
8 OF ASSAULT AND BATTERY WITH INTENT TO KILL. AND ONE COUNT  
9 OF POSSESSION OF A FIREARM DURING THE COMMISSION OF A CRIME  
10 OF VIOLENCE. THE DEFENDANT IS REPRESENTED BY STEVE  
11 MCKENZIE. YOUR HONOR, IF I MAY HAND UP THE INDICTMENT AND  
12 THE STATE'S POTENTIAL WITNESS LIST.

13 THE COURT: LADIES AND GENTLEMEN OF THE JURY, THE STATE  
14 HAS CALLED FOR TRIAL THE CASE OF THE STATE VERSUS ARTHUR  
15 SINGLETON. THIS IS AN INDICTMENT FOR ASSAULT AND BATTERY  
16 WITH INTENT TO KILL AND POSSESSION OF A WEAPON DURING THE  
17 COMMISSION OF A CRIME OF VIOLENCE. MR. SINGLETON IS  
18 REPRESENTED BY LAWYER STEVE MCKENZIE.

19 MR. MCKENZIE, IF YOU WILL STAND AND INTRODUCE YOURSELF  
20 TO THE JURY PANEL.

21 MR. MCKENZIE: MY NAME IS STEVE MCKENZIE. I PRACTICE  
22 LAW IN MANNING. I PRACTICE WITH WILLIAM JOHNSON AND SCOTT  
23 ROBINSON.

24 THE COURT: THE STATE IS REPRESENTED BY JASON CORBETT.  
25 MR. CORBETT, IF YOU WILL IDENTIFY YOURSELF AS WELL AS ANY

1 STATE'S WITNESSES THAT MAY BE PRESENT.

2 MR. CORBETT: YES, YOUR HONOR, I GAVE YOU MY LIST.

3 GOOD MORNING, MY NAME IS JASON CORBETT. I'M AN ASSISTANT  
4 SOLICITOR HERE IN SUMTER. THE STATE'S POTENTIAL WITNESSES  
5 IN THIS CASE ARE LIONEL BRADLEY, SHERMAN SANDERS, TIFFANY  
6 WHITE, TRINA SINGLETARY, COLBY MILLING, RONNETTE DAVIS,  
7 SERGEANT MARK ROSENSTEAL, DETECTIVE ROGER BAKER AND  
8 DEFECTIVE DONNIE FLORENCE.

9 THE COURT: IF ANY OF THOSE WITNESSES ARE PRESENT,  
10 PLEASE STAND AND FACE THE JURY PANEL. MR. SANDERS, SHERMAN  
11 SANDERS. WHAT IS YOUR NAME, SIR?

12 MR. BRADLEY: LIONEL BRADLEY.

13 THE COURT: LIONEL BRADLEY. THANK YOU, SIR.  
14 THIS MATTER INVOLVES AN ALLEGED INCIDENT OR INCIDENTS  
15 OCCURRING ON OR ABOUT OCTOBER 2, 1999. WHAT LOCATION, MR.  
16 SOLICITOR?

17 MR. CORBETT: YOUR HONOR, THE INCIDENT LOCATION OF  
18 [REDACTED] STREET AND [REDACTED].

19 THE COURT: AND [REDACTED].

20 MR. CORBETT: ALSO, YOUR HONOR, I THINK I FAILED TO  
21 SOUND THE NAME OF SHERMAN SANDERS AS ONE OF THE POTENTIAL  
22 WITNESSES AS WELL.

23 THE COURT: DOES ANY JUROR KNOW ANYTHING ABOUT THIS  
24 CASE, OR HAVE YOU HEARD ANYTHING ABOUT THIS CASE? OR IF YOU  
25 ARE FRIENDS OR RELATIVES OR CLOSE ACQUAINTANCES, BUSINESS OR



1 SOCIAL WITH ANY OF THE POSSIBLE WITNESSES WHOSE NAMES HAVE  
2 BEEN CALLED, PLEASE STAND. YES, SIR, MR. FOISEY.

3 THE JUROR: YES, SIR. I WORK WITH SEVERAL OF THE  
4 WITNESSES.

5 THE COURT: MR. FOISEY, WE WILL NOT CONSIDER YOU FOR  
6 SELECTION AS A JUROR IN THIS CASE. THANK YOU VERY MUCH FOR  
7 BRINGING THAT TO OUR ATTENTION. YES, MA'AM.

8 THE JUROR: YES, I KNOW LIONEL BRADLEY FROM AROUND THE  
9 AREA.

10 THE COURT: YOUR NAME AGAIN?

11 THE JUROR: RENEE DRAYTON.

12 THE COURT: MS. DRAYTON. JUROR NO. 29. AND, MA'AM,  
13 WOULD THAT FACT AFFECT YOUR ABILITY TO BE A FAIR AND  
14 IMPARTIAL JUROR IF YOU ARE SELECTED IN THIS CASE?

15 JUROR: OH, ARE YOU TALKING TO ME?

16 THE COURT: YES, ---

17 THE JUROR: I'M SORRY.

18 THE COURT: ---I'M TALKING TO YOU. THE FACT THAT YOU  
19 KNOW MR. BRADLEY, WOULD THAT FACT AFFECT YOUR ABILITY TO BE  
20 FAIR AND IMPARTIAL IF YOU WERE PICKED AS A JUROR IN THIS  
21 CASE?

22 THE JUROR: YES.

23 THE COURT: WE WILL NOT CONSIDER YOU FOR SELECTION AS A  
24 JUROR IN THIS CASE. THANK YOU FOR BRINGING THAT TO OUR  
25 ATTENTION. IF YOU HAVE FORMED AN OPINION AT THIS POINT AND

1 TIME CONCERNING THE GUILT OR THE INNOCENCE OF THE DEFENDANT,  
2 PLEASE STAND.

3 (THEREUPON, NO RESPONSE.)

4 THE COURT: IF YOU ARE CURRENTLY BEING REPRESENTED BY  
5 THE SOLICITOR'S OFFICE, MR. MCKENZIE, OR IF YOU HAVE BEEN  
6 REPRESENTED BY EITHER OF THEM WITHIN THE PAST 5 YEARS,  
7 PLEASE STAND.

8 (THEREUPON, NO RESPONSE.)

9 THE COURT: IF YOU KNOW OF ANY REASON WHY YOU SHOULD  
10 NOT BE CONSIDERED FOR SELECTION AS A JUROR IN THIS CASE,  
11 PLEASE STAND.

12 (THEREUPON, NO RESPONSE.)

13 THE COURT: ANY ADDITIONAL VOIR DIRE QUESTIONS BY THE  
14 STATE OR DEFENSE?

15 MR. CORBETT: NOTHING FROM THE STATE, YOUR HONOR.

16 MR. MCKENZIE: NOTHING FROM THE DEFENSE, YOUR HONOR.

17 THE COURT: IF YOU WOULD GIVE THE CLERK YOUR ATTENTION,  
18 WE WILL PROCEED WITH JURY SELECTION. THE STRIKES ARE 5 AND  
19 5.

20 (THEREUPON, THE JURY IS IMPANELED.)

21 THE CLERK: JUROR NO. 96 BARBARA RICHEY (F-W) ACCEPTED.  
22 JURY NO. 103 JAY SCHWARTZ (M-W) ACCEPTED. JUROR NO. 47  
23 AMANDA HENRY (F-W) STATE STRUCK. JUROR NO. 48 GIGI HERSEY  
24 (F-W) ACCEPTED. JUROR NO. 14 CARA COLLINS (F-B) ACCEPTED.  
25 JUROR NO. 95 MAGGIE RICKS (F-B) ACCEPTED. JUROR NO. 117

1 PATRICIA TURNER (F-W) ACCEPTED. 124 ELIZA WILSON (F-B)  
2 ACCEPTED. JUROR NO. 76 WALTER LENOIR (M-W) ACCEPTED. JUROR  
3 NO. 80 GERALDINE MILLER (F-B) ACCEPTED. JUROR NO. 66 QUINCY  
4 JOSEPH (M-B).

5 THE COURT: COUNSEL, APPROACH ALONG WITH MR. JOSEY.  
6 (THEREUPON, THE ATTORNEYS AND JUROR APPROACH THE BENCH  
7 AND CONFER WITH JUDGE.)

8 THE COURT: THIS JUROR WILL BE EXCUSED FOR CAUSE.  
9 JUROR NO. 13 THELMA COLEMAN (F-W) DEFENSE STRUCK. JUROR NO.  
10 53 BENJAMIN HOLMES (M-W) DEFENSE STRUCK. JUROR NO. 2 ROBERT  
11 ANKIN (M-W) ACCEPTED. JURY NO. 31 IDA ELLISON (F-B)  
12 ACCEPTED. JUROR NO. 112 MARK SWEATMAN (M-W) ACCEPTED.

13 THE COURT: LET'S PICK ONE ALTERNATE. STRIKES ARE 1  
14 AND 2.

15 THE CLERK: ALTERNATE JUROR NO. 74 JAMES MAYNARD (M-W)  
16 STATE STRUCK. JUROR NO. 60 DONNA JOHNSON CUFF (F-B)  
17 ACCEPTED.

18 THE COURT: ANY MATTERS OF LAW REGARDING JURY  
19 SELECTION?

20 MR. CORBETT: NOTHING FROM THE STATE, YOUR HONOR.

21 MR. MCKENZIE: NOTHING FROM THE DEFENSE, YOUR HONOR.

22 THE COURT: THANK YOU. LADIES AND GENTLEMEN, YOU HAVE  
23 BEEN SELECTED TO BE THE JURY IN THE TRIAL OF THIS CASE. IF  
24 YOU WILL STAND BY WHILE I TALK WITH OTHER JURORS OUT IN THE  
25 AUDIENCE. LADIES AND GENTLEMEN, IF YOU WILL GO THE JURY